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Report of the Human Rights Committee

Volume I

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Official Records • Fifty-second Session
Supplement No. 40 (A/52/40)

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I. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the International Covenant on Civil and Political Rights

1. As at 1 August 1997, the closing date of the sixtieth session of the Human Rights Committee, 138 States had ratified or acceded or succeeded to the International Covenant on Civil and Political Rights and 92 States had ratified or acceded to the Optional Protocol to the Covenant. Both instruments were adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. They entered into force on 23 March 1976, in accordance with the provisions of their articles 49 and 9, respectively. Also, as at 1 August 1997, 45 States had made the declaration envisaged under article 41, paragraph 1, of the Covenant, which came into force on 28 March 1979.

2. The Second Optional Protocol, aiming at the abolition of the death penalty, which was adopted and opened for signature, ratification or accession by the General Assembly in resolution 44/128 of 15 December 1989, entered into force on 11 July 1991, in accordance with the provisions of its article 8. As at 1 August 1997, there were 30 States parties to the Second Optional Protocol.

3. A list of States parties to the Covenant and to the Optional Protocols, indicating those which have made the declaration under article 41, paragraph 1, of the Covenant, is contained in annex I to the present report.

4. Reservations and other declarations made by a number of States parties in respect of the Covenant and/or the Optional Protocols are set out in document CCPR/C/2/Rev.4 and in the notifications deposited with the Secretary-General.

B. Sessions

5. The Human Rights Committee held three sessions since the adoption of its previous annual report. The fifty-eighth session (1531st to 1559th meetings) was held at the United Nations Office at Geneva from 21 October to 8 November 1996, the fifty-ninth session (1560th to 1586th meetings), at United Nations Headquarters from 24 March to 11 April 1997, and the sixtieth session (1587th to 1615th meetings), at the United Nations Office at Geneva from 14 July to 1 August 1997.

C. Elections, membership and attendance

6. At the Sixteenth Meeting of States Parties to the International Covenant on Civil and Political Rights, held at United Nations Headquarters on 12 September 1996, nine members of the Committee were elected, in accordance with articles 28 to 32 of the Covenant, to fill vacancies created by the expiration of terms of office on 31 December 1996. The following members were elected for the first time: Ms. Pilar Gaitan de Pombo, Ms. Laure Moghaizel, Mr. Martin Scheinin, Mr. Danilo Türk and Mr. Maxwell Yalden. Lord Colville, Ms. Elizabeth Evatt, Mr. Rajsoomer Lallah and Mr. Fausto Pocar were re-elected. At its 1554th meeting (fifty-eighth session), held on 5 November 1996, the Committee expressed its warmest gratitude to the outgoing members of the Committee and paid particular tribute to Mr. A. Mavrommatis, who served as Chairman of the Committee during its first ten years, for his outstanding

contribution to the Committee's work under article 40 of the Covenant and also under the Optional Protocol.

7. At the 1587th meeting (sixtieth session), held on 14 July 1997, the Chairman informed the Committee of the death of one of its members, Ms. Laure Moghaizel (Lebanon). Members of the Committee expressed their sorrow at her untimely death and paid tribute to her contribution to the work of the Committee.

8. All the members of the Committee participated in the fifty-eighth and fifty-ninth sessions. Mr. Omran El Shafei did not attend the sixtieth session.

D. Solemn declaration

9. At the 1560th meeting of the Committee (fifty-ninth session), held on 24 March 1997, Lord Colville, Ms. Elizabeth Evatt, Ms. Pilar Gaitan de Pombo, Mr. Rajsoomer Lallah, Ms. Laure Moghaizel, Mr. Fausto Pocar, Mr. Martin Scheinin, Mr. Danilo Türk and Mr. Maxwell Yalden, who had been elected at the Sixteenth Meeting of States Parties to the International Covenant on Civil and Political Rights, made a solemn declaration in accordance with article 38 of the Covenant before assuming their functions.

E. Election of officers

10. At its 1560th meeting (fifty-ninth session), the Committee elected the following officers for a term of two years, in accordance with article 39, paragraph 1, of the Covenant:

Chairperson: Ms. Christine Chanet

Vice-Chairpersons: Mr. Prafullachandra Natwarlal Bhagwati
Mr. Omran El Shafei
Ms. Cecilia Medina Quiroga

Rapporteur: Ms. Elizabeth Evatt

11. At its 1559th meeting (fifty-eighth session), held on 8 November 1996, the Committee expressed its deep appreciation to Mr. Francisco Aguilar Urbina, the outgoing Chairman, for his leadership and outstanding contribution to the success of the Committee's work.

F. Special Rapporteurs

12. In accordance with the Committee's decision, made at the thirty-fifth session, to designate a Special Rapporteur to process new communications, Mr. Fausto Pocar was designated at the fifty-ninth session to continue as Special Rapporteur for New Communications. In accordance with the Committee's decision, made at its thirty-ninth session, Mr. Prafullachandra Natwarlal Bhagwati was designated at the fifty-ninth session as Special Rapporteur for the Follow-up on Views.

G. Working groups

13. In accordance with rule 62 and rule 89 of its rules of procedure, the Committee established working groups which were to meet before its fifty-eighth, fifty-ninth and sixtieth sessions. The working group established under rule 89 (Working Group on Communications) was entrusted with the task of making recommendations to the Committee regarding communications received under the Optional Protocol. The working group established under rule 62 (Working Group on article 40) was mandated to prepare concise lists of issues concerning the initial and second, third and fourth periodic reports to be considered by the Committee. It was also mandated to study the Committee's working methods, and it systematically held discussions with representatives of the specialized agencies and subsidiary bodies, particularly the International Labour Office, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, in order to obtain advance information on the reports to be considered by the Committee. To that same end, the Working Group met representatives of non-governmental organizations - Amnesty International, Human Rights Watch, the International Federation of Human Rights Leagues, the International Service for Human Rights, the Lawyers Committee for Human Rights and several local organizations.

14. Fifty-eighth session (14-18 October 1996): the Working Group on Communications was composed of Mr. Tamás Bán, Mr. Omran El Shafei, Ms. Elizabeth Evatt, Mr. A. Mavrommatis and Ms. Cecilia Medina Quiroga; Ms. Evatt was elected Chairperson/Rapporteur. The Working Group on article 40 was composed of Mr. Francisco Aguilar Urbina, Mr. Prafullachandra Natwarlal Bhagwati, Lord Colville and Mr. Laurel Francis; Mr. Bhagwati was elected Chairman/Rapporteur.

15. Fifty-ninth session (17-21 March 1997): the Working Group on Communications and the Working Group on article 40 were composed of Mr. Nisuke Ando, Mr. Bhagwati, Mr. Thomas Buergenthal, Ms. Christine Chanet, Mr. El Shafei, Ms. Evatt and Mr. Julio Prado Vallejo. Mr. Ando was elected Chairman/Rapporteur.

16. Sixtieth session (7-11 July 1997): the Working Group on Communications and the Working Group on article 40 were composed of Mr. Bhagwati, Lord Colville, Mr. Eckart Klein, Mr. David Kretzmer, Mr. Fausto Pocar and Mr. Prado Vallejo; Mr. Kretzmer was elected Chairman/Rapporteur.

H. Other matters

17. At each of the Committee's sessions, the Representative of the Secretary-General informed the Committee about activities carried on by United Nations bodies dealing with human rights issues. In particular, results of the seventh meeting of persons chairing the treaty bodies, which was held in September 1996, and those of sessions of the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights and the Committee against Torture were presented to the Committee. Recent activities of the General Assembly and the Commission on Human Rights relevant to the work of the Committee were also described.

18. At the sixtieth session, the Officer-in-Charge of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights informed the Committee about the recent designation of Mrs. Mary Robinson as the new United

Nations High Commissioner for Human Rights. He also provided ample information on activities carried on by other United Nations human rights bodies. At the same session, members also discussed various matters that they would like the Chairman to put before the next meeting of persons chairing human rights treaty bodies.

I. Staff resources

19. The greater complexity and more intensive pace of the Committee's operations resulting from the increased number of States parties to the Covenant and the changes in the Committee's methods of work have added significantly to the workload of the Secretariat in providing substantive servicing to the Committee in relation to the monitoring of State party reports. The number of communications submitted to the Committee under the Optional Protocol had also grown. The Committee expressed the hope that, within the framework of the restructuring, the specialized staff assigned to service the Committee in relation both to the monitoring of State party reports and to the consideration of communications submitted under the Optional Protocol would be increased to the level required for the effective performance of the functions of the Committee under the Covenant.

J. Publicity for the work of the Committee

20. The Chairman, accompanied by several of the Committee's officers and the Special Rapporteur on the follow-up of communications, met with the press at each of the Committee's three sessions. The Committee noted with satisfaction the great interest in its work taken by the non-governmental organizations and thanked them for the information provided.

K. Documents and publications relating to the work of the Committee

21. The Committee noted with serious concern the difficulties faced in issuing Committee documents, particularly reports by States parties, as a consequence of the strict application of the rule relating to the simultaneous distribution of documents in all languages. Some of the reports scheduled by the Committee for discussion at the fifty-ninth and sixtieth sessions were not translated in time to be distributed to all members before the beginning of those sessions, a factor which seriously inhibited the work of the Committee.

22. In a letter addressed to the Chairman on 23 April 1997, the Chief of Conference Services informed the Committee of the difficulties encountered in the translation and reproduction of documents, and in particular reports submitted by States parties. He drew attention to the specific difficulties encountered in connection with voluminous reports.

23. In the discussion that followed, the Committee expressed once again its willingness to consider any measure intended to reduce costs, provided that the quality of its work and the effective performance of its functions in considering State reports under article 40 of the Covenant were not jeopardized. To that effect, it decided that States reports transmitted to the Committee under article 40 of the Covenant should henceforth be translated and processed in three languages only. The choice of the languages concerned would be made on a case-by-case basis in consultation with the Chairman and the Rapporteur of the Committee.

24. The Committee emphasized that to carry out its mandate effectively, members must have copies of State reports in the Working Group at which they are to be considered.

25. The Committee noted that 20 volumes of the Official Records of the Human Rights Committee (formerly issued as Yearbook of the Human Rights Committee) had been published in English, covering the period 1977/78-1992/93, and that the donation from the Sasakawa Foundation had made it possible to reduce the backlog. It expressed concern that further work on the reduction of the backlog had been suspended and expressed the hope that resources could be found within or outside the United Nations to continue the work, since the yearbook is important as the only single source of information of the entire work of the Committee and its continuing and timely publication must be ensured. Bearing in mind existing resources, the Committee stated that priority should be given to the translation of its summary records.

26. The Committee again urged that the work of publishing the third volume of the selection of decisions adopted under the Optional Protocol be speeded up so as to eliminate the backlog as soon as possible. In future, the selected decisions should be published regularly and in good time.

27. At its 1593rd meeting (sixtieth session), held on 17 July 1997, the Committee attended a demonstration of the United Nations High Commissioner for Human Rights Web Site (http://www.unhchr.ch) and welcomed the opportunity that it creates to disseminate information about the Committee's activities. A demonstration was also organized in the premises of the Office of the United Nations High Commissioner for Refugees about the CD-Rom Database (RefWorld).

L. Future meetings of the Committee

28. At its fifty-ninth session, the Committee confirmed the following schedule of meetings for 1998: the sixty-second session to be held at United Nations Headquarters from 23 March to 9 April 1998; the sixty-third session, at the United Nations Office at Geneva from 13 to 31 July 1998, and the sixty-fourth session at the United Nations Office at Geneva from 19 October to 6 November 1998. The Committee decided to postpone a decision regarding its calendar of meetings for 1999 pending an in-depth analysis of all issues involved in the choice of the venue by its Working Group, scheduled to meet prior to the Committee's sixtieth session. In that regard the Secretariat was requested to prepare a note on financial and administrative implications relating to the holding of the Committee sessions in Geneva and New York.

29. At its sixtieth session, the Committee nook note of the requested Secretariat report comparing costs of a session at United Nations Headquarters, and at the United Nations Office at Geneva. It decided that action on the matter should be delayed until it could be discussed with the new United Nations High Commissioner for Human Rights.

M. Adoption of the report

30. At its 1614th and 1615th meetings, held on 31 July and 1 August 1997, the Committee considered the draft of its twenty-first annual report, covering its activities at the fifty-eighth, fifty-ninth and sixtieth sessions, held in 1996 and 1997. The report, as amended in the course of the discussion, was adopted unanimously.

II. METHODS OF WORK OF THE COMMITTEE UNDER ARTICLE 40 OF THE COVENANT: OVERVIEW OF PRESENT WORKING METHODS

31. The present chapter is aimed at providing a concise and up-to-date overview of the modifications recently introduced by the Committee in its working methods under article 40 of the Covenant and is particularly designed to make the current procedure more transparent and readily accessible, so as to assist States parties and others interested in the implementation of the Covenant. A detailed account of the methods of work applied by the Human Rights Committee for the consideration of reports submitted by States parties appears in the Committee's previous annual report.

A. Informal meeting on procedures and later developments (Geneva, 27-28 July 1996)

32. The members of the Committee met outside formal Committee session on 27 and 28 July 1996 (at the Henri Dunant Institute, Geneva) to discuss possible changes in Committee procedures. The meeting based its agenda on the July 1996 report of the informal working group on procedures which met in February 1996. However, the discussion did not cover all the topics in the informal working group's report, nor was it limited to those topics. Decisions recommended at the July meeting were included in a final report formally endorsed by the Committee at its 1557th meeting (fifty-eighth session) on 7 November 1996. (Developments relating to the processing of communications under the Optional Protocol are set out in chapter V.) Working methods would be based on those decisions and might be subject to change on the basis of experience. Some of the practical methods decided upon are described below. More generally, the Committee wishes to reiterate that methods of work under article 40 of the Covenant should be as flexible as possible to promote a constructive and effective dialogue with each delegation and to ensure equality in the treatment of States.

B. Recent decisions on procedures

33. Matters which have been the subject of discussion and decision by the Committee in the past year, including those which arose at the meeting referred to above, are summarized in the following paragraphs.

34. The main topics on which recent decisions have been made include the format and focus of periodic reports, including a decision that notes verbales inviting States parties to submit reports should be sent one year in advance of the due date for the periodic report, and the Committee's concluding observations made in relation to the State's previous report should systematically be attached. The procedure for preparing the question list and the content of that list, the organization of questions and the drafting of the Concluding Observations were also the subject of decisions.

35. The Committee also decided to adopt a more flexible approach to setting the date for the next periodic report in the case of States parties which were late in the presentation of their reports to the Committee. At its 1614th meeting (sixtieth session), the Committee decided to ask States parties to submit their initial reports in time for consideration at a particular session when those reports were more than four years late.

36. At its fifty-ninth session, the Committee referred to the Working Group on article 40 the question of developing a mechanism to follow up on its Concluding Observations on State reports. At its sixtieth session, the Committee agreed that all procedures in relation to article 40 should be further studied by an ad hoc inter-sessional working group which would make its next report available to the Committee at its sixty-first session.

37. Other matters considered were ways to extend the use of interns to assist in the Committee's work and greater publicity for its work, including the possibility of publishing its General Comments separately.

38. The Committee discussed its work in developing General Comments and agreed that it should exercise caution in developing comments where the jurisprudence in an area was not sufficiently developed.

39. The Committee also discussed the input of non-governmental organizations and how to ensure that material from such organizations reached the Committee in good time and that they have adequate information about the Committee's work. The Committee recommends that States make their reports fully public and available to local non-governmental organizations well in advance of the Committee's examination. This is more feasible since the Committee decided that State reports to be examined are listed two sessions ahead.

Links to other human rights treaties and treaty bodies

40. The Committee is affected by the work of the more specialized human rights treaty bodies but should be mindful that it has authority only to interpret and apply the International Covenant on Civil and Political Rights. The standards of human rights protection under the various treaties are not identical and while it may be regrettable that States have not rationalized their obligations, the Committee cannot do this on their behalf. Consequently, the Committee takes care not to sow confusion by reference to the decisions of other treaty bodies. Nevertheless, if another treaty body develops an appropriate jurisprudence, the Committee may draw upon it in appropriate circumstances, although preferably without citing it.

41. The Committee keeps itself informed of the work of the other treaty bodies. For the sake of the many States parties to several covenants, the Committee avoids conflict with the work of other treaty bodies when possible. The Committee once again attempted to establish rapporteurs to set up communications with each of the other treaty bodies (Ms. Elizabeth Evatt for the Committee on the Elimination of Discrimination against Women and Mr. Prafullachandra Natwarlal Bhagwati for the Committee against Torture).

42. Other human rights treaties are relevant in the context of reservations. There is particular concern about States that have made reservations to the Convention on the Elimination of All Forms of Discrimination against Women with regard to obligations that they had accepted without reservation under the International Covenant on Civil and Political Rights. The Committee undertakes to press such States to clarify their position with regard to the rights at issue, reaffirming that a reservation to another human rights treaty cannot in any way diminish the obligations of a State under the Covenant.

C. Other issues relating to methods of work under article 40

43. At its 1574th meeting (fifty-ninth session), held on 3 April 1997, Ms. Angela King, Assistant Secretary-General, Special Adviser on Gender Issues and Advancement of Women, appeared before the Committee to discuss various issues relating to a furthering of the cooperation between the Secretariat's Division for the Advancement of Women and the Committee. After a very fruitful discussion, it was agreed that representatives of the Division would henceforth be invited to attend the meeting of the pre-sessional Working Group on article 40 referred to in paragraph 13 and would provide Committee members with appropriate information stemming from activities of the Committee on the Elimination of Discrimination against Women.

44. Rules of Procedure incorporating amendments made since the last publication of the Rules were adopted on 1 August 1997 and will operate as from that date.

III. SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

45. Under article 2, paragraph 1, of the International Covenant on Civil and Political Rights, each State party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant. In connection with this provision, article 40, paragraph 1, of the Covenant requires States parties to submit reports on the measures adopted and the progress achieved in the enjoyment of the various rights and on any factors and difficulties that may affect the implementation of the Covenant. States parties undertake to submit reports within one year of the entry into force of the Covenant for the State party concerned and thereafter whenever the Committee so requests. In order to assist States parties in submitting reports, the Human Rights Committee approved, at its second session, general guidelines regarding the form and contents of initial reports (see CCPR/C/5/Rev.2) stemming from the work of the Committee.

46. At its thirteenth session (July 1981), the Committee adopted a decision requiring States parties to submit periodic reports to the Committee every five years from the due date of the initial report. At the same session, the Committee adopted guidelines regarding the form and contents of periodic reports from States parties under article 40, paragraph 1 (b), of the Covenant (see CCPR/C/20/Rev.2).

47. At its thirty-ninth session (July 1990), the Committee adopted an amendment to its guidelines for the submission of initial and periodic reports, requesting States parties to report on action taken in response to the issuance by the Committee of views under the Optional Protocol. At its forty-second session (July 1991), the Committee revised its general guidelines for the submission of initial and periodic reports to take into account the consolidated guidelines for the initial part of the reports of States parties to be submitted under the various international human rights instruments, including the Covenant (the "Core document") (HRI/CORE/1). At its fifty-third session (March 1995), the Committee further amended its guidelines to request States to include in their reports information on any factors affecting the equal enjoyment by women of the rights protected under the Covenant.

A. Reports submitted by States parties under article 40 of the Covenant

48. During the period covered by the present report, the Committee received 17 initial or periodic reports. Initial or periodic reports were submitted by Armenia, Austria, Belgium, Cameroon, Canada, Ecuador, Italy, Jamaica, Japan, Mexico, Morocco, Norway, Sudan, United Kingdom of Great Britain and Northern Ireland (relating to Jersey, Guernsey and the Isle of Man), United Republic of Tanzania, Uruguay and Zimbabwe. The Committee also received information supplementing the fourth periodic report of Belarus, as well as a report from the United Kingdom of Great Britain and Northern Ireland relating to Hong Kong submitted in compliance with a decision of the Committee.

B. Observations of States parties on the Committee's concluding comments

49. The Committee took note of information transmitted by the Government of Colombia and decided to refer it to the Working Group that was scheduled to meet prior to the sixty-first session.

50. A letter was received from the Permanent Mission of Georgia annexing a Note dated 6 May 1997 by the Deputy Secretary of the National Security Council on Human Rights Issues of the Republic of Georgia commenting on the Committee's concluding observations and informing the Committee about steps taken to put those observations into effect and to disseminate them in Georgia. The letter was referred to the Working Group that was scheduled to meet prior to the sixty-first session.

IV. STATES THAT HAVE NOT COMPLIED WITH THEIR OBLIGATIONS UNDER ARTICLE 40

51. States parties to the Covenant must submit the reports referred to in article 40 of the Covenant on time so that the Committee can duly perform its functions under that article. Those reports are the basis of the dialogue between the Committee and States parties, and any delay in their submission means an interruption of that process. However, serious delays have been noted since the establishment of the Committee. Reminders were sent on 1 July 1997 to States parties whose reports had not been submitted as scheduled. In addition, at the fifty-ninth session (March/April 1997), the members of the Bureau met in New York with the permanent representatives of States parties whose initial report, periodic report or report under a special decision of the Committee had been overdue for more than three years. Such contacts were made with the permanent representatives of all the States concerned. In addition, during the period covered by the present report, the Committee took other measures to induce States parties effectively to carry out their reporting obligation under article 40 of the Covenant.

52. After reviewing the situation with respect to the late submission of both initial and periodic reports, the Committee noted with regret that 81 States parties to the Covenant, or more than two thirds of all States parties, were in arrears with their reports. The Committee again considered itself duty-bound to express its serious concern about the fact that so many States parties are in default of their obligations under the Covenant. This state of affairs seriously impedes the Committee's ability to monitor the implementation of the Covenant, and it therefore decided to list in the core of its annual report to the General Assembly, as it had already done in its previous annual reports, the States parties that have more than one report overdue, as well as those that have not submitted reports requested by a special decision of the Committee. The Committee wishes to reiterate that these States are in serious default of their obligations under article 40 of the Covenant.

States parties that have at least two reports overdue or that have not submitted a report requested by a special decision of the Committee

State party	Type of report	Date due	Years overdue	Number of reminders sent
Syrian Arab Republic	Second Third Fourth	18 August 1984 18 August 1989 18 August 1994	13 years	25
Gambia	Second Third Fourth	21 June 1985 21 June 1990 21 June 1995	12 years	23
Suriname	Second Third Fourth	2 August 1985 2 August 1990 2 August 1995	12 years	22
Kenya	Second Third Fourth	11 April 1986 11 April 1991 11 April 1996	11 years	21
Mali	Second Third Fourth	11 April 1986 11 April 1991 11 April 1996	11 years	21

State party	Type of report	Date due	Years overdue	Number of reminders sent
Guyana	Second Third Fourth	10 April 1987 10 April 1992 10 April 1997	10 years	19
Democratic People's Republic of Korea	Second Third	13 December 1987 13 December 1992	10 years	17
Equatorial Guinea	Initial Second	24 December 1988 24 December 1993	9 years	15
Central African Republic	Second Third Fourth	9 April 1989 7 August 1992 7 August 1997	8 years	14
Trinidad and Tobago	Third Fourth	20 March 1990 20 March 1995	7 years	13
Somalia	Initial Second	23 April 1991 23 April 1996	6 years	10
Viet Nam	Second Third	31 July 1991 23 December 1993	6 years	9
Democratic Republic of the Congo	Third Fourth	31 July 1991 30 January 1993	6 years	9
Nicaragua	Third Fourth	11 June 1991 11 June 1996	6 years	10
Portugal	Third Fourth	1 August 1991 1 August 1996	6 years	9
Australia	Third Fourth	12 November 1991 12 November 1996	6 years	9
Saint Vincent and the Grenadines	Second Third	31 October 1991 8 February 1993	6 years	10
San Marino	Second Third	17 January 1992 17 January 1997	5 years	9
Panama	Third Fourth	31 March 1992 6 June 1993	5 years	9
Madagascar	Third Fourth	31 July 1992 3 August 1993	5 years	8
Angola	Special	31 January 1994	3 years	4
Rwanda	Special	31 January 1995	2 years	3

53. The Committee notes that in the period under review, three States parties (Belarus, Congo and India) whose reports had been listed for consideration at a session had failed to attend or had notified the Committee a short time before the session that they could not take part in it. The Committee expressed its concern that the failure of States to cooperate in the reporting process and their withdrawal at a later stage, together with the increasing accumulation of reports to consider, was hampering the Committee in the effective discharge of its functions.

V. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

54. At its 1314th meeting (fiftieth session), held on 6 April 1994, the Committee decided to discontinue its practice of including in its annual report summaries of the consideration of the reports submitted by States parties under article 40 of the Covenant. In accordance with that decision, the annual report will contain, inter alia, the final comments adopted by the Committee at the end of the consideration of States parties' reports. Accordingly, the following sections, arranged on a country-by-country basis in the sequence followed by the Committee in its consideration of the reports, contain the final comments adopted by the Committee with respect to the States parties' reports considered at its fifty-eighth, fifty-ninth and sixtieth sessions.

A. DENMARK

55. The Committee considered the third periodic report of Denmark (CCPR/C/64/Add.11) at its 1533rd and 1534th meetings (fifty-eighth session), held on 22 October 1996, and at its 1556th meeting, on 6 November 1996, adopted the following comments.

1. Introduction

56. The Committee expresses its appreciation to the State party for its detailed and comprehensive report, which has been prepared in accordance with the Committee's guidelines, and for engaging, through a delegation with first-hand knowledge of the different subjects under discussion, in an extremely constructive dialogue with the Committee.

57. It notes with satisfaction that the information submitted in the report, and that provided by the delegation in reply to both written and oral questions, enabled the Committee to obtain a thorough view of Denmark's actual compliance with the obligations undertaken under the Covenant and the improvements implemented since the consideration of the second periodic report, in 1987. The Committee regrets, however that submission of the third periodic report, which was due in 1990, was considerably delayed.

2. Positive aspects

58. The Committee notes with appreciation the high level of achievement in respect for human rights in Denmark. Among the positive developments that have been realized since the consideration of the second periodic report, the Committee notes the ratification of the Second Optional Protocol to the Covenant, on the abolition of the death penalty, the revision of various legislative texts, the increased jurisdiction recently granted to the Ombudsman and the establishment at a national level of a number of human rights institutions - namely, the Danish Centre for Human Rights, the Equal Status Council and the Racial Equality Board - with a view to reinforcing protection of civil and political rights and promoting greater public awareness of the provisions of the Covenant and the Optional Protocols.

59. The publication by the Ministry of Justice of a new periodical on European Union law and human rights with a view to ensuring a wider knowledge of the interpretation and application of human rights provisions of international treaties in the Danish courts is welcomed. The organization, on a standing basis, of human rights training courses for members of the police and other law enforcement officials is also a positive development.

60. The Committee notes with satisfaction the measures adopted by the Danish Government to ensure that ethnic and linguistic minorities enjoy the rights set forth in the Covenant without discrimination.

61. The Committee commends the introduction of a new system to investigate complaints against the police and the increased funding for its operation. It looks forward to receiving the results of the new jurisdiction.

62. The Committee takes note of the declaration by the delegation to the effect that the text of the Covenant would shortly be translated into Greenlandic.

63. The Committee commends the legal and administrative measure taken to promote equal enjoyment of women's rights.

3. Factors and difficulties impeding the application of the Covenant

64. The Committee finds that there are no particular factors or difficulties which may impede the effective implementation of the Covenant's provisions by the Kingdom of Denmark, except for the continued maintenance of Denmark's reservations to certain provisions of the Covenant.

4. Principal subjects of concern

65. The Committee is concerned that the Covenant, unlike the European Convention on Human Rights, has not yet been given the status of domestic legislation, considering in particular that the Covenant guarantees a number of human rights which are not protected under the European Convention and that permissible restrictions are less broadly based.

66. The Committee notes that the reservations entered by Denmark upon ratification of the Covenant with respect to a number of provisions have an adverse effect on the full implementation of the Covenant. Consideration ought to be given to the withdrawal of some, or all, of those reservations.

67. The Committee further notes that the requirements referred to in article 9, paragraph 3, of the Covenant, are not fully met.

68. The Committee also expresses its concern at the methods of crowd control, including the use of dogs, employed by the police forces against participants in various demonstrations or gatherings which, on certain occasions, have resulted in serious injuries to persons in the crowds, including bystanders.

69. The Committee is concerned at the long delay in resolving the dispute arising from the claim for compensation by members of the indigenous minority of Greenland in respect of their displacement from their lands and loss of traditional hunting rights as a result of the construction of the military base at Thule. It is also concerned that the people of Greenland are not able to enjoy fully certain Covenant rights and freedoms, including those provided for in article 12.

70. The Committee regrets the paucity of information about the Covenant and its implementation in the Faroe Islands.

5. Suggestions and recommendations

71. The Committee recommends that the State party take appropriate measures to ensure the direct application of the provisions of the Covenant into domestic law.

72. The Committee also recommends that the Government review the continuing need for any reservation, with a view to withdrawing them.

73. The Committee suggests that further consideration and amendments be made to the regulations, last reviewed in 1992, concerning residence and other

conditions for reunification of families both of alien immigrants and refugees so as to give effect more fully to articles 23 and 24 of the Covenant.

74. The Committee further recommends that consideration be given to the revision of the existing regulations concerning the length of pre-trial detention and of solitary confinement in accordance with the Committee's General Comment No. 8 (16) and its jurisprudence.

75. The Committee urges the Government to further the training of the police forces in methods of crowd control and of handling offenders, including those suffering from mental disorders, and to keep those issues constantly under review. The Committee recommends that the authorities reconsider the use of dogs in crowd control.

76. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly to members of the legal profession and the judiciary.

77. The Committee strongly recommends that the reporting obligations of the State party under article 40 of the Covenant be strictly observed and that the fourth periodic report be submitted within the time limit to be determined by the Committee.

B. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (HONG KONG)

78. At its 1535th and 1536th meetings (fifty-eighth session), held on 23 October 1996, the Human Rights Committee considered a report submitted by the United Kingdom of Great Britain and Northern Ireland relating to Hong Kong (CCPR/C/117) in compliance with a special decision of the Committee (CCPR/C/79/Add.57). The Committee subsequently adopted, at its 1556th meeting, on 6 November 1996, the following observations.

1.

79. The Committee welcomes the presence of a high-level delegation which included a significant number of officials of the Hong Kong Government. It expresses its appreciation to the representatives of the State party for the high quality of the report and the detailed and frank answers provided by the delegation in response to the written and oral questions. The Committee notes with satisfaction that that information enabled it to engage in a highly constructive dialogue with the State party.

80. The Committee also welcomes the presence of a significant number of non-governmental organizations from Hong Kong. The information provided by those organizations greatly assisted the Committee in its understanding of the human rights situation in Hong Kong.

2.

81. At its 1453rd meeting, on 20 October 1995, the Committee[1] envisaged issues in connection with reporting obligations on the part of Hong Kong after the transfer of sovereignty to the People's Republic of China on 1 July 1997. It recalled that, in dealing with cases of dismemberment of States parties to the International Covenant on Civil and Political Rights, it had taken the view that human rights treaties devolve with territory and that States continue to be bound by the obligations under the Covenant entered into by the predecessor State. Once the people living in a territory enjoy the protection of the rights under the International Covenant on Civil and Political Rights, such protection cannot be denied to them merely by virtue of dismemberment of that territory or its coming under the sovereignty of another State or of more than one State.[2]

82. The Committee reiterates that the existence and contents of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China make it unnecessary for the Committee to rely solely on the foregoing jurisprudence as far as Hong Kong is concerned. In that regard, the Committee pointed out that the parties to the Joint Declaration have agreed that all provisions of the Covenant as applied to Hong Kong shall remain in force after 1 July 1997. Those provisions include reporting procedures under article 40. Since the reporting requirements under article 40 will thus continue to apply, the Human Rights Committee expects that it will continue to receive and review reports submitted in relation to Hong Kong.

83. Accordingly, the Committee is ready to give effect to the intention of the parties to the Joint Declaration as far as Hong Kong is concerned and to cooperate fully with the parties to the Joint Declaration to work out the necessary modalities to achieve those objectives.

3. Suggestions and recommendations

84. The Committee urges the United Kingdom of Great Britain and Northern Ireland (Hong Kong) Government to take all necessary steps to ensure effective and continued application of the provisions of the Covenant in the territory of Hong Kong in accordance with the Joint Declaration and the Basic Law.

85. The Committee reminds the United Kingdom of Great Britain and Northern Ireland Government of its continuing responsibility to ensure to the people of Hong Kong the rights protected by the Covenant and to carry out its obligations under the Covenant, including, in particular, article 40. In that regard, it requests the Government of the United Kingdom to report on the human rights situation in the territory of Hong Kong up to 30 June 1997.

C. SWITZERLAND

86. The Human Rights Committee considered the initial report of Switzerland (CCPR/C/81/Add.8) at its 1537th, 1538th and 1539th meetings (fifty-eighth session) on 24 and 25 October 1996, and at its 1557th meeting, on 7 November 1996, adopted the following observations.

1. Introduction

87. The Committee expresses its satisfaction to the State party for its detailed and comprehensive initial report and wishes to emphasize the quality of that report. It thanks the delegation for having given particularly clear, detailed and frank replies to its written and oral questions, which made possible a fruitful and constructive dialogue between the Committee and the delegation. The Committee thanks the State party for having transmitted to it, following the consideration of the report, written replies to the questions which the delegation was unable to answer orally.

2. Factors and difficulties affecting the implementation of the Covenant

88. The Committee notes that there are no particular factors or difficulties that might prevent the effective implementation of the provisions of the Covenant in Switzerland, with the exception of the maintenance by Switzerland of its reservations to certain articles.

3. Positive aspects

89. The Committee notes with satisfaction that the Covenant forms an integral part of the Swiss legal system, with a status higher than domestic legislation, that its provisions may be directly invoked by private individuals before the courts and that judges may refer to it directly. It notes that the Swiss courts, and notably the Federal Tribunal, have already on numerous occasions referred to the provisions of the Covenant and to the Committee's general comments.

90. The Committee welcomes the withdrawal of the reservation made by Switzerland to article 20, paragraph 2, of the Covenant and notes that the withdrawal of Switzerland's reservations to article 14, paragraphs 1, 3 (d) and (f), and 5, is currently under consideration by the Federal Council. The Committee also notes with satisfaction that the proposal for accession to the Optional Protocol is on the agenda of the Federal Assembly.

91. The Committee notes with satisfaction that the decisions of the Federal Tribunal seem to have remedied the shortcoming of article 4 of the Federal Constitution, whose non-discrimination clauses do not expressly cover all the grounds referred to in articles 2 and 26 of the Covenant.

92. The Committee welcomes the introduction into the Federal Penal Code, in January 1995, of a provision for the punishment of incitement to racial, ethnic or religious discrimination or hatred or to acts of racial, ethnic or religious discrimination, and also the statement of negationist views. It also welcomes the establishment, in September 1995, of a Federal Commission on Racism, whose work, however, started too recently for its effectiveness to be assessed.

93. The Committee welcomes the measures taken by the federal authorities to encourage and promote equality between men and women in all sectors of professional activity, in particular through the Federal Office for Equality between Men and Women and the entry into force, in July 1996, of the Federal Act relating to equality between women and men. The Committee notes with satisfaction that that Act, in particular, permits the shifting of the burden of proof, facilitates legal action by a victim of discrimination or harassment by making the procedure free of charge and provides for the possibility of rescinding a dismissal effected by way of victimization for the making of a complaint of discrimination or harassment.

94. The Committee notes with satisfaction that, although the Federal Constitution does not contain a provision concerning the guarantee of a fair trial, the Federal Tribunal has in its decisions ruled that all necessary guarantees follow from article 4 of the Constitution.

95. The Committee welcomes the entry into force of the Civilian Service Act, which has introduced a civil procedure for determining cases of conscientious objection.

4. Principal subjects of concern

96. The Committee regrets the maintenance of Switzerland's reservation to article 26 of the Covenant, which limits the applicability of the principle of the equality of all persons before the law and of the prohibition of discrimination to only those rights which are contained in the Covenant, whereas article 26 of the Covenant, as interpreted by the Committee, extends it to every area regulated and protected by the public authorities.

97. The Committee notes with concern that in many areas, such as access to higher education and to posts of responsibility, equal remuneration for work of equal value, and participation in household tasks and in the upbringing of children, equality between men and women has not yet been achieved in practice, particularly in the private sector.

98. The Committee is concerned at the numerous allegations of ill-treatment in the course of arrests or police custody, particularly in respect of foreign nationals or Swiss citizens of foreign origin and, in conjunction with those allegations, reports on the failure of the authorities to follow up complaints of ill-treatment by the police and the disproportionate nature, if not absence, of penalties. In this connection, the Committee notes with concern that in the various cantons, independent machinery for recording and following up complaints of ill-treatment by the police does not seem to exist and that, on the contrary, complaints must in the first instance be addressed to the superior administrative authority. It regrets that in various cantons, detainees may be held incommunicado for periods ranging from 8 to 30 days or even, in some cases, for indefinite periods. It also regrets the non-existence in most cantons of legal guarantees, such as the possibility for a detainee to contact a lawyer immediately after his arrest and to be examined by an independent doctor at the commencement of police custody and before he appears before the examining magistrate. The Committee also notes that it seems very difficult in practice for most persons who have been arrested to inform their family or friends as soon as they are arrested.

99. On the question of pre-trial detention, the Committee notes with concern that it often happens that when remand prisons are full, detainees are kept, in

some cases for several days, in police cells, where conditions of detention are manifestly inadequate for periods in excess of 24 hours.

100. The Committee notes with concern that the Federal Act relating to coercive measures, which entered into force in January 1995, in some cases permits the administrative detention of foreign nationals without a temporary or permanent residence permit, including asylum seekers and minors over the age of 15, for three months while the decision on the right of temporary residence is being prepared, and for a further six months, and even one year with the agreement of the judicial authority, pending expulsion. The Committee notes that these time limits are considerably in excess of what is necessary, particularly in the case of detention pending expulsion, and that the time limit of 96 hours for the judicial review of the detention decision or the decision to extend detention is also excessive and discriminatory, particularly in the light of the fact that in penal matters this review is guaranteed after 24 or 48 hours, depending on the canton concerned.

101. The Committee notes with concern that the obligation established in article 14, paragraph 3 (f), of the Covenant to provide an interpreter for everyone charged with a criminal offence if he cannot understand or speak the language used in court is not reflected in the criminal legislation of all the cantons.

102. While taking note of the delegation's statement that the provision is no longer enforced, the Committee emphasizes that the 1948 Decree of the Federal Council concerning political speeches by foreigners restricts the freedom of expression of foreigners who do not have a permanent residence permit in a manner contrary to article 19 of the Covenant.

103. The Committee also notes that family reunification is not authorized immediately for foreign workers who settle in Switzerland, but only after 18 months, which, in the Committee's view, is too long a period for the foreign worker to be separated from his family.

104. The Committee is concerned at the requirement for persons who adopt a child abroad under the regime of simple adoption to submit an application for full adoption in Switzerland if they wish the adoption to be recognized in Switzerland. That procedure makes permanent adoption subject to a two-year trial period, during which the adoptive parents may decide not to go ahead with the adoption and the child is entitled only to a temporary and renewable foreigner's residence permit. The Committee expresses its concern because those two factors make the child's position very precarious from both the legal and emotional standpoints.

105. The Committee notes that the Federal Constitution contains no provisions reflecting article 27 of the Covenant. The Committee considers that article 27 is not limited to the protection of the various national minorities but concerns all ethnic, religious or linguistic minorities present in the territory of a State.

5. Suggestions and recommendations

106. The Committee suggests that the authorities should seriously consider withdrawing the reservation made by Switzerland to article 26 of the Covenant, so that the article may be implemented, in the spirit of the Covenant, as an autonomous right guaranteeing non-discrimination in all spheres regulated and

protected by the State. The authorities' attention is drawn to General Comment No. 18 (37) on non-discrimination and to General Comment No. 24 (52) on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant.

107. The Committee hopes that favourable consideration will be given to the possibility of acceding to the Optional Protocol to the Covenant.

108. The Committee recommends that measures be taken by the authorities to combat discrimination against women in practice. In this connection, the Committee emphasizes the importance of educational campaigns to develop awareness of the problem of discrimination and recommends that all possible measures be taken, in particular at the social infrastructure level, to make it easier for women who wish to work outside the home to do so. The Committee also recommends that the authorities make greater efforts strictly to implement the constitutional and legislative provisions relating to equal pay for men and women for work of equal value, particularly in the private sector.

109. The Committee recommends that the discussions aimed at harmonizing the various cantonal laws on criminal procedure be intensified, with due respect for the provisions of the Covenant, particularly with regard to fundamental guarantees during police custody or incommunicado detention. The Committee emphasizes in particular the need to allow suspects to contact a lawyer and their family or friends and to have suspects examined by an independent doctor as soon as they are arrested, after each period of questioning and before they are brought before the examining magistrate or released. The Committee further recommends that independent machinery, subject to public supervision, be introduced in all cantons to receive complaints against police officers concerning ill-treatment during custody.

110. The Committee recommends that all necessary measures be taken to ensure that accused persons are not detained for several days in police premises.

111. The Committee recommends that the Act relating to coercive measures be implemented in a restrictive manner and in the spirit of the Covenant, so as to ensure that the length of detention applicable under the Act is as short as possible and that the judicial review of the detention decision or the decision to extend detention is carried out in less than 96 hours. The Committee also recommends that all possible measures be taken to ensure that foreigners who are covered by that Act are informed in a language they understand of the remedies available to them and are assisted by counsel.

112. The Committee recommends that measures be taken to bring the criminal legislation of all the cantons into conformity with article 14, paragraph 3 (f), of the Covenant.

113. The Committee recommends that the Federal Decree of 24 February 1948 concerning political speeches by foreigners be abrogated, or amended, so as to bring it into conformity with article 19 of the Covenant relating to freedom of expression.

114. The Committee also recommends that measures be taken to permit the family reunification of foreign workers resident in Switzerland shortly after they obtain a temporary residence permit.

115. The Committee recommends that the necessary legislative measures be taken to ensure that children who have been adopted abroad are granted, as soon as they arrive in Switzerland, either Swiss nationality if the parents are Swiss, or a temporary or permanent residence permit if the parents have such a permit, and that the two-year trial period prior to the granting of adoption should not apply to them.

116. The Committee welcomes the publication of Switzerland's report in the official languages and recommends that these concluding observations should be disseminated.

D. GABON

117. The Committee considered the initial report of Gabon (CCPR/C/31/Add.4) at its 1541st to 1543rd meetings (fifty-eighth session), held on 28 and 29 October 1996, and at its 1556th meeting on 6 November 1996, adopted the following observations.

1. Introduction

118. The Committee welcomes the opportunity to initiate its dialogue with the Government of Gabon while regretting that this follows a lapse of over 12 years in the submission of the report by the State party. While the Committee regrets the scarcity of information contained in the written report, it expresses its appreciation for the high-level delegation, as well as for the detailed and updated additional information provided by the delegation in response to the Committee's questions.

2. Factors and difficulties affecting the application of the Covenant

119. The Committee notes the existence in the State party of customs and traditions, particularly in the area of equality between men and women, which may impede the full observance of relevant provisions of the Covenant.

3. Positive aspects

120. The Committee welcomes the positive political evolution of Gabon towards a multi-party and pluralist democracy since the entry into force of the 1991 Constitution and its amendment of 18 March 1994. It notes with satisfaction the establishment in 1987 of a Ministry of Communication, Culture, Art and Human Rights, which includes human rights among the subjects for which it has responsibility. The Committee appreciates the statement made by the delegation to the effect that the Government intends to establish, as a statutory, autonomous body, a national human rights commission for the promotion and protection of human rights.

121. The Committee welcomes Gabon's accession without any reservation to various international human rights instruments.

122. The Committee notes with satisfaction that pursuant to the introduction of the multi-party system, 20 political parties have been created and that, further to the promulgation of the 1994 Labour Code and the 1993 Act on trade union organizations of public servants, the previous trade union monopoly system has been removed.

123. The Committee appreciates the statement by the delegation that information on international human rights instruments and, in particular, on the provisions of the Covenant would be disseminated to the public.

4. Principal subjects of concern

124. The Committee regrets that the opportunity was not taken by the drafters of the Constitution to include in the 1994 Constitution, which refers to other

international human rights instruments, a specific reference to the Covenant and its legal relationship with the domestic legal order. It also regrets that all rights provided for in the Covenant are not incorporated into domestic law and that effective remedies are not provided in all cases of violation of rights protected under the Covenant.

125. The Committee is concerned that the non-discrimination clauses in the Covenant, as laid down in its articles 2, 3 and 26, are not fully reflected in the Constitution. Particular concern is expressed at the prevailing discriminatory attitudes in society towards women and at the insufficiency and lack of effectiveness of measures adopted to prevent those attitudes.

126. The Committee is concerned about the lack of safeguards and effective remedies available to individuals during a state of emergency and particularly regrets the lack of information on the situation of non-derogable rights in such circumstances.

127. The Committee regrets that despite the Government's declared policy of not applying the death penalty, no legal steps have yet been taken to abolish it.

128. The Committee is concerned that the guarantees contained in articles 7, 9 and 10 of the Covenant are not fully complied with either in law or in practice. In particular, it is seriously concerned about the length of time that individuals may have to spend in police custody and pre-trial detention.

129. The Committee is concerned about the practice of imprisonment for civil debt, in contravention of article 11 of the Covenant.

130. The Committee is also concerned about the "dilapidated state of jail cells" and notes that insufficient measures have been taken to provide law enforcement officials with appropriate training in the field of human rights and to inform arrested persons and detainees of their rights. The Committee further deplores the fact that the police force is a component of the country's military forces and, as such, is subject to the military command of the Ministry of Defence.

131. The Committee is concerned about the lack of information on measures to ensure the independence and impartiality of the judiciary, in conformity with article 14 of the Covenant.

132. With regard to the rights of non-Gabonese citizens and refugees living in Gabon, the Committee is concerned about legal impediments to their freedom of movement within the country, as well as by the requirement of an exit visa for foreign workers, which run counter to the provisions in article 12 of the Covenant. It is particularly worried by the appalling conditions prevailing in refugee centres, including the Libreville Detention Camp, which led to the death of a number of persons through suffocation and dehydration.

133. The Committee is concerned about the lack of measures taken to implement the rights of persons belonging to minorities, as set forth in article 27 of the Covenant.

5. Suggestions and recommendations

134. The Committee recommends that the Covenant be incorporated into the domestic legal order and that its provisions be made directly applicable before the courts. In this connection, the Committee emphasizes the importance of

establishing a national commission on human rights as a permanent and independent mechanism to monitor the effective implementation of the Covenant and to provide training to law enforcement officials and appropriate information to the public.

135. The Committee recommends that all grounds on which discrimination is prohibited, as provided for in articles 2 and 26 of the Covenant, be incorporated in the relevant provisions of the Constitution. It further recommends that article 2 of the Constitution be amended to ensure its compatibility with articles 2 (1), 3 and 26 of the Covenant and that affirmative measures be taken to strengthen the participation of women in the political, economic and social life of the country and to overcome the discriminatory effects of customary laws.

136. The Committee recommends that the State party urgently adopt and incorporate all relevant provisions of article 4 of the Covenant into the Constitution.

137. The Committee recommends that the State party consider the abolition of the death penalty and accession to the Second Optional Protocol to the Covenant.

138. The Committee recommends that all legal provisions or executive orders be reviewed to ensure their compatibility with articles 7, 9 and 10 of the Covenant and their effective implementation in practice. Urgent steps should be taken to review the duration of police custody and preventive detention and to ensure the independent investigation of all allegations of ill-treatment by police and prison officers.

139. The Committee recommends that prison conditions be brought into compliance with article 10 of the Covenant and with the United Nations Standard Minimum Rules for the Treatment of Prisoners and that those standards be made accessible to the police, armed forces, prison personnel and other persons responsible for holding interrogations, as well as to persons deprived of their liberty.

140. The Committee urgently recommends the abolition of imprisonment for civil debt, in compliance with article 11 of the Covenant.

141. The Committee strongly recommends that the State party take the necessary measures to ensure that the police is transformed into a civilian force not subject to the military command of the Ministry of Defence. It also recommends that the State party include in its second periodic report information on measures to ensure the independence and impartiality of the judiciary.

142. Existing provisions, such as article 1, paragraph 3, of the Constitution limiting or restricting the exercise of the right to freedom of movement for non-Gabonese citizens, including the requirement of exist visas, should be reviewed to bring the legislation fully into conformity with article 12 of the Covenant. The Committee further recommends that the State party consider adopting measures to improve the status and living conditions of refugees in refugee centres.

143. The Committee recommends that the Government of Gabon develop information and awareness programmes on the principles and provisions of the Covenant in the various languages spoken in Gabon. It also recommends that human rights education be provided at all levels in schools and that comprehensive human rights training be provided to all segments of the population, including law enforcement officers and all persons involved in the administration of justice.

In this regard, the Committee suggests that the State party avail itself of the technical cooperation services of the United Nations High Commissioner for Human Rights Centre for Human Rights.

144. The Committee encourages the State party to disseminate widely the State party's report and the concluding observations adopted by the Committee following its consideration of the report.

145. The Committee recommends that full and comprehensive information on the implementation of the provisions of the Covenant, in law and in practice, be incorporated in the State party's next periodic report.

E. PERU

146. The Committee continued its consideration of Peru's third periodic report (CCPR/C/83/Add.1 and HRI/CORE/1/Add.43/Rev.1) at its 1547th and 1548th meetings (fifty-eighth session), held on 31 October 1996, and addressed questions left pending after the initial consideration of the report at its fifty-seventh session, at which urgent issues had been examined.[3] In the light of its further consideration of the report, it adopted the following observations and recommendations at its 1555th meeting, on 6 November 1996.

1. Introduction

147. The Committee welcomes the State party's third periodic report and is gratified by the continuation of the dialogue initiated with the delegation. However, the Committee regrets that the report does not contain sufficient reliable information on current legal provisions in Peru relating to a number of the rights covered in the Covenant or on the actual observance of human rights.

2. Factors and difficulties affecting the implementation of the Covenant

148. The Committee is aware that Peru has been affected by terrorist activities, internal disturbances and violence. In the Committee's view, although the State has both the right and the duty to adopt vigorous measures to protect its population against terrorism, such measures must not violate the rights protected by the Covenant.

3. Positive aspects

149. The Committee notes with satisfaction that the Constitutional Court and the Ombudsman's Office have commenced activities and that units specializing in constitutional matters and the rights of women have been set up within the Ombudsman's Office. It also takes a positive view of the establishment of the National Register of Detainees and Persons Sentenced to Custodial Sentences and the organization of training courses for lawyers and administrative personnel with the aim of improving the administration of justice.

150. The Committee also welcomes the establishment of the Standing Commission on the Rights of Women and of other organs designed to foster equality among men and women in Peru. It further notes the announcement of the establishment of the Ministry of Women and Human Development and expresses the hope that the Ministry will make a valuable contribution to ensuring that women in Peru fully enjoy the human rights enshrined in the Covenant. In the same connection, it appreciates Peru's ratification of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

151. The Committee welcomes with satisfaction the State party's report on the establishment of offices to provide advice and care in cases of violence against and abuse of children and adolescents and the programmes introduced to assist children as part of the measures to solve the problem of displaced persons. In this connection, the Committee commends the establishment of the National Technical Commission on Displaced Populations and the other measures being taken to solve the problems of displaced persons, and welcomes the fact that,

according to the Government, 56 per cent of the peasant population have returned to their places of origin.

4. Principal subjects of concern

152. The Committee regrets that the constitutional status extended to the Covenant by Peru's 1979 Constitution has been substantially diminished, thereby reducing the protection previously enjoyed by individuals in Peru as regards the rights enshrined in the Covenant.

153. The Committee once again deplores the fact that Peru has ignored both the concerns expressed by the Committee in the observations adopted when it concluded its consideration of the first part of Peru's third periodic report and the suggestions and recommendations made in those same observations, arguing that Peru is entitled to give precedence to considerations of security or domestic policy over its obligations under the Covenant. The Committee considers that, in conformity with international law, article 1 of the Covenant does not authorize the State to adopt a new Constitution that may be incompatible with its other obligations under the Covenant. The Constitution is part of the legal order of the State and as such may not be invoked as grounds for exemption from compliance with an international obligation freely entered into by the State.

154. The Committee in particular deplores the fact that its recommendations relating to the amnesty laws, made in paragraph 358 of its 1996 report, have not been followed and that no effective remedy is available to allow the victims of human rights violations by State agents to claim compensation. It also regrets the lack of information on the fate of the recommendations made in paragraphs 360, 361 and 364 and the failure to respond to the recommendation made in paragraph 362 of its 1996 report.

155. The Committee takes note of the measures adopted by Peru to pardon persons convicted of terrorism. Notwithstanding its satisfaction at the release of 69 persons, the Committee considers that the pardon does not provide full redress to the victims of trials conducted without regard for due process of law, and it repeats the recommendation made in paragraph 359 of its 1996 report, which includes the need to establish an effective mechanism, at the initiative of the State, to revise all the convictions handed down by the military tribunals in treason and terrorism cases.

156. The Committee regrets the fact that Peru has not only failed to take measures in response to the recommendation made in paragraph 363 of its 1996 report, but has on the contrary extended, only a few days before the second part of the report was considered, the system of "faceless judges". The Committee expresses its profound concern at this situation, which undermines the judicial system and will again lead to the conviction of innocent persons without a proper trial.

157. The Committee appreciates the information provided by the State on communications Nos. 202/1986, 203/1986, 263/1987 and 309/1988, which are still pending, but regrets that the State's efforts have not led to proper redress for the victims. At the same time, the Committee deplores the lack of information on the observance of Act No. 23.506, ordering immediate compliance with the Committee's observations through the procedure employed to enforce judgements handed down by national courts against the State.

158. The Committee regrets the lack of full and precise information on the legal status of women and on their enjoyment of the rights enshrined in the Covenant, particularly as regards their legal capacity, the frequency of violence against and sexual abuse of female detainees or prisoners, legal and practical restrictions in the labour sphere and the impact of recent laws and programmes designed to solve the problem of violence against women.

159. The Committee expresses its concern about the existence of a number of provisions of the Civil Code that discriminate against women, such as the difference in the minimum age required for matrimony and the fact that single mothers under 16 years of age lack legal capacity to recognize their children. This gives rise to problems of compatibility between Peruvian legislation and articles 3, 23, 24 and 26 of the Covenant.

160. The Committee notes with concern that the law still contains a provision exempting a rapist from punishment if he marries his victim and another which classifies rape as an offence prosecutable privately. The Committee is also concerned that abortion gives rise to a criminal penalty even if a woman is pregnant as a result of rape, and that clandestine abortions are the main cause of maternal mortality. Those provisions not only mean that women are subject to inhumane treatment but are possibly incompatible with articles 3, 6 and 7 of the Covenant.

161. The Committee notes with concern that when cases that might lead to a divorce are heard (physical or mental ill-treatment, serious injury and dishonourable conduct), the law instructs judges to take into consideration the education, habits and conduct of both spouses, a requirement that might easily lead to discrimination against women from the lower socio-economic strata.

162. In the same connection, the Committee is concerned that in Peru socio-economic criteria are used to group convicted and unconvicted prisoners, and it deplores the lack of information on the exact significance of this policy, as well as the lack, in general, of detailed information on conditions of detention to enable it to assess their compatibility with article 10 of the Covenant.

163. The Committee remains deeply concerned about the power of the police to decide to hold a person incommunicado for up to two weeks.

5. Suggestions and recommendations

164. The Committee recommends that the necessary legal measures be taken to ensure compliance with the obligations to respect and guarantee the rights recognized in the Covenant, in conformity with its article 2, paragraph 1.

165. The Committee reiterates the need for Peru to consider adopting effective measures in the fields referred to by the recommendations of the Committee in the observations it adopted on completion of its consideration of the first part of the State party's third periodic report. (See paras. 358-364 of the Committee's 1996 report.)

166. Regarding communications No. 202/1986, 203/1986, 263/1987 and 309/1988, the Committee again draws Peru's attention to the fact that, by acceding to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, in accordance with the provisions of article 2 of the Covenant, the State

party undertakes to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and applicable remedy if a violation is found to have occurred; accordingly, the Committee requests the State to submit to it within 90 days information on the measures adopted to implement the Committee's decisions.

167. The Committee recommends that the provisions of the Civil and Penal Codes should be revised in the light of the obligations laid down in the Covenant, and in particular in its articles 3 and 26. Peru must ensure that laws relating to rape, sexual abuse and violence against women provide women with effective protection and must take the necessary measures to ensure that women do not risk their life because of the existence of restrictive legal provisions on abortion.

168. The Committee recommends that the Government should adopt the legislation necessary to allow political parties to operate effectively and democratically and fully to implement the rights protected by articles 22 and 25 of the Covenant.

169. The Committee recommends that education programmes be established for children and for the community in order to develop a thorough understanding of the principles of respect for human rights and of tolerance and of the role those principles play in the development of a sound and stable democracy.

170. The Committee hopes that, in its next periodic report, Peru will include information on the progress made to extend to women in Peru full enjoyment of the rights enshrined in the Covenant, particularly in the spheres with which the Committee is concerned (see paras. 158-161 above) together with detailed information on how it is complying with the provisions of article 10 of the Covenant.

F. GERMANY

171. The Committee considered the fourth periodic report of Germany (CCPR/C/84/Add.5) at its 1551st to 1553rd meetings (fifty-eighth session), held on 4 and 5 November 1996, and at its 1558th meeting, on 7 November 1996, adopted the following observations.

1. Introduction

172. The Committee welcomes the presence of a high-level delegation. It expresses its appreciation for the quality of the report and the detailed, frank and competent manner in which the delegation answered written and oral questions. The Committee notes with satisfaction that that information enabled it to engage in a highly constructive and fruitful dialogue with the State party.

2. Factors and difficulties impeding the implementation of the Covenant

173. The Committee notes that the process of reunification of Germany has posed particular problems for the uniform application of the Covenant throughout the territory of Germany. The extension of the political, economic, and social system of the western part of the State to the territory of the former German Democratic Republic has posed novel, difficult and sensitive questions.

3. Positive aspects

174. The Committee welcomes the fact that the reunification of Germany has enabled people of the former German Democratic Republic to enjoy many of the rights and freedoms protected by the Covenant which were formerly denied to them.

175. The Committee notes with satisfaction that Germany has acceded to both Optional Protocols to the Covenant.

176. The Committee greatly appreciates the role of the Federal Constitutional Court in protecting individuals against the violation of their rights as established by the Basic Law and in ensuring conformity of legislation with the Basic Law.

177. The Committee welcomes the adoption of the Second Equal Treatment Act to advance the interests of women in the federal public administration, and the modification of the European Community's adaptation law to ensure that the ban on discrimination is more effectively applied.

178. The Committee appreciates the measures adopted for granting compensation and providing rehabilitation to those who suffered injustice at the hands of the Socialist Unity Party regime in the former German Democratic Republic.

179. The Committee welcomes the efforts made by the State party to counter racism, anti-Semitism and xenophobia, although it regrets that that phenomenon persists.

180. The Committee appreciates that Germany has provided temporary residence to a very large number of refugees from Bosnia and Herzegovina. It welcomes the assurance given by the delegation that the return of those refugees will be primarily through voluntary repatriation and that, if any involuntary repatriation is made, it will be only in coordination with the Government of Bosnia and Herzegovina and the Office of the United Nations High Commissioner for Refugees and will be subject to challenge by judicial review. The Committee appreciates the assurance that no repatriation will take place to minority areas in Bosnia and Herzegovina or to majority areas which are not considered safe.

4. Principal subjects of concern, and suggestions and recommendations

181. The Committee expresses its concern that there exist instances of ill-treatment of persons by the police, including foreigners and particularly members of ethnic minorities and asylum seekers. In this regard, it is concerned that there is no truly independent mechanism for investigating complaints of ill-treatment by the police. The Committee therefore recommends the establishment of independent bodies throughout the territory of the State party for the investigation of complaints of ill-treatment by the police.

182. Although the Committee finds that programmes of education of young people and training of police officers concerning racism, anti-Semitism and xenophobic attitudes have been started, it regrets that broader educational and training programmes in human rights values do not appear to have received the same level of support. The Committee also expresses its concern that despite significant efforts by the Government, racism, xenophobia and anti-Semitism still persist among certain segments of the population. The Committee thus recommends that efforts to educate the youth and train the police that racism and xenophobia are violative of basic human dignity, contrary to fundamental values and constitutionally and legally impermissible should be intensified, and it urges that such education and training be placed in the wider context of human rights education and training. The Committee urges the Federal and Länder governments to introduce courses in human rights in schools, colleges and universities and also in police and defence academies with a view to strengthening a culture of respect for human rights.

183. The Committee is concerned that the definition of minorities as "ethnic or linguistic groups who have a traditional area of settlement in particular regions", as stated in paragraph 244 of the report, is much too restrictive in terms of article 27 of the Covenant. The Committee is of the view that article 27 applies to all persons belonging to minorities, whether linguistic, religious, ethnic or otherwise, including those who are not concentrated or settled in a particular area or region, those who are immigrants or those who have been given asylum in Germany.

184. The Committee regrets that Germany has made a reservation excluding the competence of the Committee under the Optional Protocol with regard to violation of rights as protected by article 26 of the Covenant.

185. The Committee expresses its concern that solitary confinement can be imposed for a period of up to three months and can be further extended by court order.

186. The Committee is concerned that membership in certain religious sects as such may, in some Länder of the State party, disqualify individuals from

obtaining employment in the public service, which may, in certain circumstances, violate the rights guaranteed in articles 18 and 25 of the Covenant. The Committee recommends that the State party discontinue the holding of "sensitizing" sessions for judges against the practices of certain designated sects.

187. The Committee expresses its concern that the criteria used to evaluate for retaining or dismissing former German Democratic Republic public servants, including judges and teachers, are vague and leave open the possibility for deprivation of employment on the basis of political opinions held or expressed. The Committee therefore suggests that the criteria for dismissing public servants of the former German Democratic Republic be made more precise so that no public servant will be dismissed on the grounds of political opinions held or expressed by him or her.

188. The Committee is concerned that there is an absolute ban on strikes by public servants who are not exercising authority in the name of the State and are not engaged in essential services, which may violate article 22 of the Covenant.

189. The Committee is concerned that the State party has not provided information in respect of the right to form and join trade unions (art. 22 of the Covenant) or on aspects of the rights of children (art. 24 of the Covenant) on the ground that information had been provided to another treaty body. In this regard, the Committee reminds the State party that reports under article 40 of the Covenant should provide information in respect of all Covenant rights.

190. Following the adoption of the present concluding observations, the Government submitted to the Committee the Survey of the Policy and Law concerning Foreigners in the Federal Republic of Germany which had been requested by members.

G. BOLIVIA

191. The Committee considered the second periodic report of Bolivia (CCPR/C/63/Add.4) at its 1562nd and 1563rd meetings (fifty-ninth session), held on 25 March 1997, at its 1582nd meeting, on 9 April 1997, adopted the following comments.

1. Introduction

192. The Committee welcomes the second periodic report submitted by the State party and the delegation's willingness to engage in a frank dialogue with the Committee. The Committee regrets, however, that although the report provides information on general legislative reforms in Bolivia, those reforms remain largely unadopted by Parliament. The delegation candidly admitted that there have been difficulties in the implementation of all the reforms which would, when approved, create a legal system more compliant with the Covenant. The Committee appreciated the presence of a highly competent delegation which provided in-depth helpful information to the Committee in response to its questions and thus allowed it to obtain a clearer view of the overall human rights situation in Bolivia.

193. The Committee commends the State party for the core document (HRI/CORE/1/Add.54), which set out many of the problems existing in the country.

2. Factors and difficulties affecting the implementation of the Covenant

194. The Committee recognizes that the State party, which is emerging from a change of government that ended a long period of dictatorial rule, is undergoing a transition towards democracy in which the infrastructure necessary for the implementation of the Covenant has not been fully developed. The Committee notes that many encouraging legislative initiatives with respect to human rights are meeting with difficulties and that a full assessment of their implementation is not yet possible.

195. The Committee notes that social and economic disparities are all-pervasive in the country and result in high levels of poverty and illiteracy, as well as lack of opportunity, especially for the indigenous population, women and the poor.

3. Positive aspects

196. The Committee notes with satisfaction the efforts of the Government to introduce democracy and to match the country's level of human rights protection with international standards.

197. The Committee particularly welcomes the promulgation of the 1994 Constitution, which incorporates provisions for the protection of civil and political rights. It also welcomes the Government's declared intention to put an end to serious violations of human rights and to create a better political, constitutional and legal framework to allow the full implementation of the rights enshrined in the Covenant.

198. The Committee notes with satisfaction the reform of the Penal Code which abolishes the death penalty.

199. The Committee also welcomes the legal reforms undertaken, notably constitutional amendments to bring Bolivian law into conformity with international human rights standards, the adoption of legislation to abolish imprisonment and physical constraint for the enforcement of economic obligations (Ley de Abolición de Prisión y Apremio Corporal por Obligaciones Patrimoniales), the new Bail Act (Ley de Fianza Juratoria contra la Retardación de Justicia Penal), the law against domestic violence (Ley contra la Vilencia Intrafamiliar o Doméstica) and the reforms in the legislation governing the electoral system (Ley de Reformas y Complementacion al Régimen Electoral), the legal aid programme (Programa de Defensa Pública) and habeas corpus and amparo.

200. The Committee welcomes the reinstitution, after 100 years, of the Ministry of Justice, as well as the establishment of the Human Rights Department within the Ministry of Justice and the establishment of the Gender Department. It also welcomes the creation of the necessary legal machinery to receive complaints and manage various aspects of human rights issues, including through the Ministry of Justice, the Parliamentary Commission for Human Rights, Legal Aid and the Public Prosecutor's Office, and the creation of a human rights office in the Chapare area.

201. The Committee welcomes the information that torture, forced disappearances and extrajudicial executions are punishable offences in Bolivia. It also welcomes the information that military tribunals have no jurisdiction except within the military institution and that cases of human rights violations by member of the army and the security forces fall under the jurisdiction of civil courts.

202. The Committee further welcomes the fact that the number of persons being held in pre-trial detention has significantly decreased.

203. The Committee notes the penal reforms that have abolished discrimination against the Amazon Indians where it was considered that they were not criminally responsible by mere reason of their Indian origin. It also welcomes the reforms that have introduced legislation which allows the indigenous populations to receive education in their mother tongues, and the enactment of measures which permit the Indian communities to maintain their traditional means of livelihood.

4. Principal subjects of concern

204. The Committee is concerned that the State party's legislation in respect of the state of siege does not comply with the provisions of the Covenant. There is no constitutional provision which prohibits the derogation of the relevant rights of the covenant and the expression "conmocíon interior" ("internal disturbance") is much too wide to fall within the scope of article 4 of the Covenant. Furthermore, the Committee is concerned that minimum guarantees were not complied with during the state of siege declared in 1995.

205. The Committee is concerned that the current legislation for combating impunity has proven to be ineffective in the identification, trial and punishment of those responsible for human rights violations and in the payment of compensation to the victims. It also notes that members of the armed forces and other government officials who were involved in the most serious human rights violations have not always been dismissed and continue to take advantage

of their positions, thus reinforcing impunity within the State party. It is also concerned at the delays and failures of the process of law and at the non-compliance by the police with United Nations minimum standards.

206. The Committee notes with concern that members of various social sectors, particularly human rights activists and members of trade unions, are subject to intimidation and thus face serious obstacles in the legitimate exercise of their rights.

207. The Committee is concerned that national laws in conflict with the Covenant remain on the books, in particular the Coca and Controlled Substances Law (Law No. 1008). The Committee is particularly concerned that articles 86 and 116 of that law remove the investigating process from judicial control, that the right to bail is severely restricted, that articles 74 and 125 deny the right of detainees who are ill to be treated with humanity, and that other provisions undermine the presumption of innocence (arts. 82 and 117), the right to an impartial tribunal (arts. 82 and 127), the right of defence (art. 117), the right to be present at one's own trial (art. 113) and the right to challenge any aspect of the process (art. 128).

208. The Committee is particularly concerned that release on bail is never possible for those charged with offences that carry a penalty of two or more years of imprisonment and that the presumption of innocence is not respected under current Bolivian legislation.

209. The Committee expresses concern about the lack of independence and efficiency of the judiciary and the long delays in the administration of justice, which do not conform with the requirements of articles 9 and 14 of the Covenant.

210. The Committee notes with concern the conditions in places of detention.

211. The Committee is concerned that, despite constitutional guarantees of the rights of women and laws attempting to put an end to discrimination, women continue to receive unequal treatment in Bolivia owing in part to the continuation of traditional attitudes and outdated laws that clearly contradict the provisions of the Covenant. It further notes that labour laws do not protect the rights of women adequately, particularly those engaged in domestic work.

212. The Committee expresses its concern about the very high level of maternal mortality referred to in the report, much of which arises as a result of illegal abortion. It regrets that the State party could not provide information about the effect of laws that criminalize abortion on this high level of deaths.

213. The Committee is also concerned about the exploitation of children in employment, including the practice of the "criadito" and the growing number of street children.

214. The Committee is concerned at the curtailment of the rights of members of trade unions to freedom of association, of assembly and of expression, at the high level of violence against trade union members, at the intimidation by police agents of persons taking part in peaceful demonstrations, and at the large number of strikes that are deemed illegal. It is particularly concerned about the incidents that occurred in Potosí and Chapare.

215. The Committee expresses concern at the impact of violence on the part of the security forces, which curtails the enjoyment by members of indigenous groups of their rights under article 27 of the Covenant. The Committee is also concerned that despite the legislation enacted to allow the indigenous communities to enjoy the use of their traditional lands in a communal way, discrimination and other obstacles to the full enjoyment of the rights protected under article 27 of the Covenant continue to exist.

5. Suggestions and recommendations

216. The Committee strongly encourages the Government to enact the new draft legal framework for the protection of human rights in Bolivia so as to ensure full conformity with the Covenant, in particular the new Code of Criminal Procedure, aimed at the modernization of the Bolivian legal and judicial structures and allowing the investigation and punishment of human rights violations.

217. The Committee urges the State party to put into place the necessary mechanisms to avoid a recurrence of the events surrounding the 1995 state of siege, in which the police used excessive violence against the members of teachers' unions.

218. The Committee urges the State party to investigate allegations of human rights violations in order to bring to justice perpetrators of past and present human rights abuses. It recommends that an independent mechanism be instituted for dealing with complaints of police violence and that the existence of that mechanism be publicized. It further urges the State party to act on the findings of its investigations, to bring to justice the perpetrators and to provide proper compensation to the victims, particularly with respect to continuing occurrences of torture and ill-treatment by the police and security forces.

219. The Committee recommends that the State party amend Law No. 1008 in order to make it compatible with the State party's obligations under the Covenant.

220. The Committee urges the State party to comply with article 10, paragraph 2, of the Covenant by separating accused persons from convicted persons in prison, and juvenile offenders from adults.

221. The Committee recommends that the Office of Ombudsman and the Constitutional Court be put into place as soon as possible and that both be given broad jurisdiction and sufficient resources to guarantee the enjoyment of human rights.

222. The Committee urges the State party to take effective measures to abolish the practice of the "criadito".

223. The Committee recommends that an educational programme be devised so that all segments of the population, in particular members of the army, the security forces, the police and the judiciary and lawyers, are better acquainted with international standards for the protection and observance of human rights and human dignity.

224. The Committee recommends that the independence of the judiciary be ensured and a law regulating it be enacted. It further recommends that the nomination of judges be based on their competence and not their political affiliation. The

Committee also recommends that responsibility for the judicial police be transferred from the executive to the judiciary.

225. The Committee recommends that further measures, such as those of the "Justicia Communal", be taken to ensure that members of indigenous groups are protected against violence within the country and enjoy fully their rights under article 27 of the Covenant, particularly with regard to preservation of their culture, language and religion. Legislation on indigenous communities should be enacted without delay.

226. The Committee recommends that the State party include in its next report comprehensive information on the issues raised during the consideration of the present report, particularly on the effectiveness of the laws under review or in existence, the evolving roles of the institutions established for the protection of human rights, and the system of coordination of the various institutions. In this regard, the Committee recommends that the Government draw on the assistance available through the programme of technical cooperation of the United Nations High Commissioner for Human Rights/Centre for Human Rights.

227. The Committee urges that respect for human rights be institutionalized at all levels of government, and recommends that human rights education be provided in schools at all levels and that the present concluding observations be widely disseminated.

H. GEORGIA

228. The Human Rights Committee considered the initial report of Georgia (CCPR/C/100/Add.1) at its 1564th to 1566th meetings (fifty-ninth session), held on 26 and 27 March 1997, and at its 1583rd meeting, on 9 April 1997, adopted the following concluding observations.

1. Introduction

229. The Committee notes with interest the initial report submitted by Georgia and welcomes the dialogue it has had with a high-level delegation. It notes with satisfaction that the delegation of Georgia was able to supplement the report and provide clarifications concerning the legal provisions in force and their scope, and on the reform that is under way, which has enabled the Committee to have a somewhat clearer picture of the human rights situation in Georgia.

2. Factors and difficulties affecting the implementation of the Covenant

230. The Committee notes that Georgia is still experiencing the influence of the totalitarian past, which has created feelings of mistrust and insecurity among the citizens. In addition, the State party is still suffering from the effects of conflicts in South Ossetia (1992) and Abkhazia (1993-1994), which gave rise to serious violations of human rights, including massive population displacements, and the Government is having difficulty exercising its jurisdiction in those areas in respect of the protection of human rights.

3. Positive aspects

231. The Committee notes the assurances given by the head of State that the enjoyment of human rights would become a priority in Georgia.

232. The entry into force of the 1995 Constitution - even though it does not fully reproduce the rights guaranteed under the Covenant - and the establishment of the Constitutional Court, to which any citizen alleging a violation of his constitutional rights can have recourse, are viewed by the Committee as encouraging signs.

233. The Committee notes with satisfaction the abolition of the internal passport (propiska), which was an impediment to freedom of movement as provided for under article 12 of the Covenant.

234. The reform of the Criminal Code and the Criminal Procedure Code, coupled with the restructuring of the Prokuratura with the aim of limiting its role to that of a prosecuting body stripped of the prerogatives which it formerly enjoyed and which enabled it to interfere in judicial decisions, are viewed by the Committee as signs of progress.

235. While regretting the under-representation of women in the organs of government and the inequalities which persist in the economic and social spheres, the Committee is pleased that discrimination against women before the law and in education has lessened.

236. The Committee welcomes the State party's efforts to afford more active protection for the human rights of minorities with a view to guaranteeing them the free expression of their cultures and use of their languages.

4. Principal subjects of concern

237. The Committee deplores the fact that no remedies were available to victims of events occurring in 1992, 1993 and 1994, enabling them to seek redress for violations of their rights as provided under article 2 of the Covenant. In that connection, the Committee notes that the State party was bound by the provisions of the Covenant from the date on which the country became independent, and hence also during the period preceding its declaration of accession, since it must be considered to have succeeded to the obligations undertaken by the former Soviet Union, of which it was an integral part until it proclaimed its independence.

238. The Committee regrets that the Covenant, although directly applicable under domestic law, is not invoked before the courts. In addition, it considers that the failure to nominate anyone to the post of Ombudsman, which was established in May 1996, denies an effective remedy to persons alleging a violation of their fundamental rights.

239. The Committee regrets that, in spite of the elimination of inequalities before the law, women continue to be the victims of unequal treatment and discrimination in the political, economic and social spheres. It further notes with concern that methods of contraception other than abortion are very difficult to obtain.

240. The Committee fears that the moratorium that has been instituted on the carrying out of death sentences is a weak palliative. In spite of the reduction in the number of offences carrying the death penalty, those offences are still too numerous and some of them do not come within the category of the most serious crimes envisaged in article 6 of the Covenant. The Committee also deplores the fact that some capital sentences appear to have been imposed in cases in which confessions were obtained under torture or duress or following trials in which the guarantees provided under article 14 of the Covenant were not respected, particularly the right to have a case reviewed by a higher court (art. 14, para. 5, of the Covenant).

241. The Committee is deeply concerned about cases of torture inflicted on individuals deprived of their liberty, including torture used to extract confessions. It deplores the fact that those cases and other acts of torture usually go unpunished and that in many cases lack of confidence in the authorities keeps the victims from lodging complaints.

242. The Committee deplores the abuse of pre-trial detention and police custody. The limits placed on those measures by the Constitution are often not observed in practice, in disregard also of the provisions of article 9 of the Covenant.

243. The Committee is deeply concerned about the disastrous prison situation; crowding, poor sanitary conditions and lack of medical care have resulted in a high rate of infectious disease and a very alarming mortality rate, in particular among juvenile detainees. The Committee stresses that the State party does not comply with the provisions of article 10 of the Covenant, according to which all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

244. The Committee is concerned at the continuing close relationship between the procurator and the judges; it fears that, in the absence of any statute enforcing the independence of the judiciary, the impartiality of decisions cannot be guaranteed and that the executive may exert pressure on the judiciary.

245. The Committee notes with disquiet that court proceedings do not meet the conditions required by article 14 of the Covenant; for example, although the law provides for access to the assistance of counsel, in practice this is made difficult because of excessive bureaucracy.

246. The Committee regrets that, despite the elimination of the propiska, obstacles to freedom of movement remain within the country. It notes with concern that there continues to be a great deal of corruption in this area.

247. The Committee emphasizes that the vague and overly general characterizations of crimes and the difficulty of determining their constituent elements (insubordination, sabotage, etc.) have allowed political opponents of the Government to be prosecuted.

248. The Committee regrets that because of the absence of legislation concerning the exercise of freedom of association, it has not been possible to establish free trade unions so that workers may exercise their rights under article 22 of the Covenant.

249. The Committee is concerned at the increase in the number of children affected by poverty and social dislocation and the concomitant increase in the number of street children, delinquents and drug addicts.

5. Suggestions and recommendations

250. The Committee invites the Government to provide all individuals under its jurisdiction with an effective remedy and compensation for violations of their human rights found to have occurred since independence in 1991.

251. The Committee recommends that the State party appoint an ombudsman as soon as possible and that procedures be established to give effect to the Committee's findings under the Optional Protocol. The Committee urges the Government to ensure the legitimacy and authority of the Committee for Human Rights and Ethnic Relations and to define the relationship between that Committee and the Ombudsman.

252. The Committee urges the authorities to continue the moratorium on executions and to continue the serious efforts that have been made towards abolishing the death penalty.

253. The Committee recommends that the State party undertake systematic and impartial investigations into all complaints of ill-treatment and torture, bring to trial persons charged with violations as a result of those investigations, and compensate the victims. Confessions obtained under duress should be systematically excluded from judicial proceedings and, given the admission of the State party that torture had been widespread in the past, all convictions based on confessions allegedly made under torture should be reviewed.

254. The Committee recommends that detention and pre-trial detention should be carried out in accordance with the requirements of the Constitution and the Covenant. It stresses, inter alia, that all persons who are arrested must

immediately have access to counsel, be examined by a doctor without delay and be able to submit promptly an application to a judge to rule on the legality of the detention.

255. The Committee urges the State party to take urgent steps to improve the situation in prisons, in particular, sanitary conditions. It invites the State party to reduce the use of imprisonment as a punishment for minor violations and of pre-trial detention for excessive periods.

256. The Committee recommends that the authorities put an end, once and for all, to the restrictions on freedom of movement within the country and on the right to leave the country.

257. The Committee urges the State party to enact a law guaranteeing the independence of the judiciary and providing for its total autonomy vis-à-vis the procurator and the executive.

258. The Committee urges the State party to guarantee the rights set forth in article 14 of the Covenant, in particular by remedying the deficiencies with regard to the exercise of the right to defence and the right to appeal. The creation of an independent legal profession is, in the Committee's view, a necessary precondition for the effective enjoyment of such rights.

259. The Committee earnestly recommends that the State party, in connection with the revision of the Penal Code, repeal those provisions which make it possible to prosecute political opponents for their beliefs under cover of upholding the law.

260. The Committee invites the State party to enact laws making it possible for trade unions to be formed and to carry out their activities freely in defence of the rights of workers.

261. The Committee urges the State party to take urgent steps to protect children, in accordance with the provisions of article 24 of the Covenant.

262. The Committee recommends that educational and training programmes be drawn up with a view to developing a culture of respect for human rights in all sectors of the population, inter alia, judges, the security forces and prison personnel. Those programmes should also emphasize that women are entitled to full enjoyment of their fundamental rights.

263. The Committee recommends that the report of the State party, together with these concluding observations adopted by the Committee, be widely disseminated and that the text of the Covenant be disseminated in all languages commonly used in the country.

I. COLOMBIA

264. The Committee considered the fourth periodic report of Colombia (CCPR/C/103/Add.3) at its 1568th to 1571st meetings (fifty-ninth session), held on 31 March and 1 April 1997, and at its 1583rd meeting on 9 April 1997, adopted the following concluding observations.

1. Introduction

265. The Committee welcomes the fourth periodic report submitted by the State party and the opportunity to resume its dialogue with Colombia, through a delegation composed of officials from various sectors of the administration. Although the Committee notes with regret that the report submitted by the State party lacks sufficient information on the practical situation with respect to the enjoyment of human rights by the population and on the implementation of the provisions of the Covenant and the relevant national legislation, it expresses its appreciation to the delegation for the frank answers it provided to its questions, which enabled it to have a clearer view of the overall human rights situation in the country. The fact that the delegation acknowledged to a certain extent the difficulties encountered in the implementation of the Covenant in the country is appreciated by the Committee.

266. The information submitted by a wide range of non-governmental organizations also assisted the Committee in its understanding of the human rights situation in the State party.

2. Factors and difficulties impeding the implementation of the Covenant

267. The Committee notes that Colombia continues to suffer from widespread armed conflict, in the context of which gross and massive human rights violations have occurred and continue to be perpetrated. The Committee also notes that recent efforts to restart peace negotiations have yet to bear fruit.

3. Positive aspects

268. The Committee welcomes the recent establishment in Colombia of an office of the United Nations High Commissioner for Human Rights Centre for Human Rights, as well as the ratification by Colombia of the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II).

269. The Committee further welcomes the creation of a number of institutions and offices to protect and promote human rights, such as the Office of the Ombudsman, the Department for Human Rights within the Office of the Public Prosecutor and the Division for Human Rights within the Office of the Attorney-General, and the establishment by the Office of the Public Prosecutor of permanent offices on human rights in the main cities of the country, as well as the setting up of programmes concerning women and gender equality, formulated by the National Economic and Social Policy Council, and the creation of institutional structures aiming at the promotion of women's rights, such as the Committee for Coordination and Monitoring of Policies to Combat Discrimination and the Office of the Presidential Adviser for Youth, Women and the Family.

270. The Committee expresses its appreciation for the recent jurisprudence of the Constitutional Court regarding the status of international human rights instruments, which gives the latter a status equal to that of the Constitution.

271. The Committee welcomes the adoption of a new Police Code, which includes guidelines and binding principles concerning the use of force and weapons by the police. The restructuring of the police with a view to increasing the professionalism of police officials and improving relationships between the police and the population is also welcomed, as is the adoption, in the framework of this restructuring, of decrees with respect to disciplinary measures in cases of unlawful behaviour of police officials.

272. The Committee expresses its appreciation for the establishment of a Commission of Inquiry to deal with complaints concerning forced disappearances, which provides for protective measures for complainants and witnesses. The establishment of a national registry listing disappeared persons, together with the creation of a commission for the follow-up of cases of forced disappearances composed, among others, of the Public Prosecutor, the Ombudsman and the representatives of non-governmental organizations, is viewed as positive steps in the struggle against forced disappearances.

273. The Committee notes with appreciation the creation of remedies for the violation of basic rights of individuals, such as *acción de tutela* (the remedy of protection of fundamental rights), established by article 86 of the Constitution and the relevant decrees, and the remedies of habeas corpus and *habeas data*.

274. The Committee also welcomes the adoption of legislation which establishes a mechanism for the compensation of victims of human rights violations in accordance with decisions adopted by the Committee under the Optional Protocol to the Covenant and by the Inter-American Commission on Human Rights.

275. The Committee notes with satisfaction that victims of human rights abuses committed by members of the armed forces may now be represented as civil parties during proceedings before military courts.

276. With respect to the prevailing domestic violence, the Committee welcomes the adoption of legislation which provides for accelerated judicial proceedings and immediate protective measures for victims of such violence.

4. Principal subjects of concern

277. The Committee notes with concern that the suggestions and recommendations it addressed to the Government at the end of the consideration of the previous report (see CCPR/C/64/Add.3 and paras. 390-394 of the Committee's 1992 report[4]) have not been implemented.

278. The Committee deplores the fact that gross and massive human rights violations continue to occur in Colombia and that the level of political and criminal violence is still very high. In particular, the Committee deplores extrajudicial executions, murders, torture and other degrading treatment, forced disappearances and arbitrary arrest carried out by members of the armed forces, the police and paramilitary and guerrilla groups. Journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges appear to be specifically targeted.

279. The Committee also deplores the fact that so-called "social cleansing" operations, targeting street children, homosexuals, prostitutes and petty delinquents, continue to be carried out and that appropriate and effective action has not yet been taken to ensure the full protection of the rights of those groups, especially of their right to life.

280. The Committee is deeply concerned at the evidence that paramilitary groups receive support from members of the military. The recently adopted decree which would have the effect of legalizing the constitution of armed civilian groups (the so-called Rural Security Cooperatives) would seem to aggravate that situation.

281. The Committee notes with great concern that impunity continues to be a widespread phenomenon and that the concept of service-related acts has been broadened by the Higher Adjudication Council to enable the transfer from civilian jurisdiction to military tribunals of many cases involving human rights violations by military and security forces. This reinforces the institutionalization of impunity in Colombia since the independence and impartiality of those tribunals are doubtful. The Committee wishes to point out that the military penal system lacks many of the requirements for a fair trial spelled out in article 14 of the Covenant, for example, the amendments to article 221 of the Constitution allowing active duty officers to sit on military tribunals and the fact that members of the military have the right to invoke as defence the orders of a superior.

282. The Committee is concerned that the military and members of security or other forces allegedly continue to exercise special powers over civilians and civilian authorities, including judicial authorities, granted to them through the establishment of Special Public Order Zones by decrees no longer in force. The Committee is particularly concerned that the military exercise the functions of investigation, arrest, detention and interrogation.

283. The Committee notes with concern that threats against members of the judiciary compromise the independence and impartiality of the judiciary, which are essential to comply with the rights provided for in article 14 of the Covenant. Moreover, the Committee notes that the length of judicial proceedings creates an unacceptable backlog of cases, including cases of human rights abuses.

284. Although the Committee notes the forthcoming dismantlement of the regional judicial system, it nevertheless emphasizes that that system, which provides for faceless judges and anonymous witnesses, does not comply with article 14 of the Covenant, particularly paragraph 3 (b) and (e), and the Committee's General Comment 13 (21).

285. The Committee notes with concern that there is a significant gap between the legal framework and reality in the field of human rights. It notes in particular that although a large number of laws and regulations have recently been adopted to protect human rights and provide remedies in cases of abuse, there has been little noticeable improvement in the situation of human rights in practice.

286. The Committee expresses its deep concern at the recent proposals for constitutional reform aimed at suppressing time limits on states of emergency, eliminating the powers of the Constitutional Court to review the declaration of a state of emergency, conceding functions of the judicial police to military authorities, adding new circumstances under which a state of emergency may be

declared, and reducing the powers of the Attorney-General's Office and the Public Prosecutor's Office to investigate human rights abuses and the conduct of members of the military, respectively. If those texts were to be adopted, they would raise serious difficulties with regard to article 4 of the Covenant.

287. The Committee expresses its concern over the situation of women who, despite some improvements, continue to be subject of *de jure* and de facto discrimination in all spheres of economic, social and public life. It notes in this regard that violence against women remains a major threat to their right to life and needs to be more effectively addressed. It is also concerned at the high mortality rate of women resulting from clandestine abortions.

288. The Committee also expresses its concern that the resort to declarations of states of emergency is still frequent and seldom in conformity with article 4, paragraph 1, of the Covenant, which provides that such declaration may be made only when the life and existence of the nation is threatened. The Committee is also concerned that despite constitutional and legal guarantees, enjoyment of the rights provided for in article 4, paragraph 2, of the Covenant is not fully protected in such circumstances and that under article 213 of the Constitution the Government may issue decrees suspending any laws considered to be incompatible with the state of disturbance.

289. The Committee expresses its concern at appalling prison conditions, the most serious of which is the problem of overcrowding, as well as at the lack of measures taken to date to address the problem.

290. The Committee expresses its deep concern at the situation of children in Colombia and the lack of adequate measures to protect their rights under the Covenant. It notes that much remains to be done to protect children from violence within the family and society at large, from forced recruitment by guerrilla and paramilitary groups and from employment below the legal minimum age, and specifically to protect street children from being killed or otherwise abused by vigilante groups and security forces.

291. The Committee notes that although positive measures have been taken by the Government, members of indigenous communities and of the black minority continue to suffer discrimination and do not fully enjoy their rights provided for in article 27 of the Covenant.

292. Lastly, the Committee expresses concern that the decisions on the admissibility and the merits of certain cases submitted to the Committee under the Optional Protocol to the Covenant have again been questioned by the Government when it was presented with the views adopted by the Committee under that Protocol.

5. Suggestions and recommendations

293. The Committee urges the Government to redouble its efforts for the setting up of a process of national reconciliation, with a view to bringing lasting peace to the country.

294. The Committee urges that appropriate and effective measures be taken to ensure that human rights are respected by members of the army, the security forces and the police. The Committee strongly recommends that support given by military personnel or security forces to paramilitary groups and operations be investigated and punished, that immediate steps be taken to disband paramilitary

groups and that consideration be given to repealing the presidential decree legalizing the constitution of Rural Security Cooperatives.

295. The Committee recommends that in order to combat impunity, stringent measures be adopted to ensure that all allegations of human rights violations are promptly and impartially investigated, that the perpetrators are prosecuted, that appropriate punishment is imposed on those convicted and that the victims are adequately compensated. The permanent removal of officials convicted of serious offences and the suspension of those against whom allegations of such offences are being investigated should be ensured.

296. The Committee recommends that special measures be adopted, including protective measures, to ensure that members of various social sectors, particularly journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges, are able to exercise their rights and freedoms, including freedom of expression, assembly and association, without intimidation of any sort. The Committee also urges the authorities to take stringent measures to ensure full protection of the rights of victims of "social cleansing", in particular their rights under articles 6 and 7 of the Covenant.

297. The Committee urges that all necessary steps be taken to ensure that members of the armed forces and the police accused of human rights abuses are tried by independent civilian courts and suspended from active duty during the period of investigation. To that end, the Committee recommends that the jurisdiction of the military courts with respect to human rights violations be transferred to civilian courts and that investigations of such cases be carried out by the Office of the Attorney-General and the Public Prosecutor. More generally, the Committee recommends that the new draft Military Penal Code, if it is to be adopted, comply in all respects with the requirements of the Covenant. The public forces should not be entitled to rely on the defence of "orders of a superior" in cases of violation of human rights.

298. The Committee recommends that all necessary measures be taken by the authorities to ensure that the gap between laws protecting fundamental rights and the situation of human rights in practice is reduced. To that effect, the Committee recommends that educational and training programmes be devised so that all segments of the population, in particular members of the army, the security forces, the police, judges, lawyers and teachers, can develop a culture of respect for human rights and human dignity.

299. The Committee recommends that the recently proposed constitutional reforms, referred to in paragraph 286, be withdrawn.

300. The Committee recommends that the State party review its laws and take measures to ensure full legal and de facto equality for women in all aspects of social, economic and public life, including with respect to their status within the family. In this regard, priority should be given to protecting women's right to life by taking effective measures against violence and by ensuring access to safe contraception. Measures should be taken to prevent and eliminate persisting discriminatory attitudes and prejudices against women, notably through education and information campaigns.

301. The Committee reiterates its views that a state of emergency should not be declared unless the conditions set out in article 4 of the Covenant apply and the declaration required under the said article is made. Constitutional and legal provisions should ensure that compliance with article 4 of the Covenant

can be monitored by the courts. The application of decrees adopted under article 213 of the Constitution and their non-application at the end of the emergency period should be closely monitored.

302. The Committee stresses the obligation of the State party under article 10 of the Covenant to ensure that all persons deprived of their liberty are treated humanely and with respect for the inherent dignity of the human person. With particular regard to the problem of overcrowding of prisons, the Committee suggests that the adoption of alternative sentencing measures which would allow some convicted persons to serve their sentences in the community be considered and that greater resources be committed to enlarging the capacity and improving the conditions of the penitentiary system.

303. The Committee urges that the regional judicial system be abolished and that the Government ensure that all trials are conducted with full respect for the safeguards for a fair trial provided for in article 14 of the Covenant.

304. The Committee recommends that the Government put an end to the de facto exercise by the military of powers in the Special Public Order Zones established by decrees which are no longer in force.

305. The Committee urges the Government to adopt effective measures to ensure the full implementation of article 24 of the Covenant, including preventive and punitive measures in respect of all acts of child murder and assault, and protective, preventive and punitive measures in respect of children caught up in the activities of guerrilla and paramilitary groups. The Committee also specifically recommends that effective measures be taken to eliminate employment of children and that inspection mechanisms be established to that effect.

306. The Committee stresses the duty of the State party to ensure that every child born in Colombia enjoys the right, under article 24, paragraph 3, of the Covenant, to acquire a nationality. It therefore recommends that the State party consider conferring Colombian nationality on stateless children born in Colombia.

307. The Committee recommends that further measures be adopted to ensure that the rights of members of indigenous populations and the black minorities under the Covenant, in particular articles 2, paragraph 1, 26 and 27 are protected. The Committee particularly stresses the importance of education and urges the Government to take appropriate measures to reduce the illiteracy rate among those groups.

308. The Committee recommends that the report of the State party, together with these concluding observations, be widely disseminated.

J. PORTUGAL (MACAU)

309. The Human Rights Committee considered the third periodic report of Portugal relating to Macau (CCPR/C/70/Add.9) at its 1576th and 1577th meetings (fifty-ninth session), held on 4 April 1997, and at its 1584th meeting, on 10 April 1997, adopted the following observations.

1. Introduction

310. The Committee welcomes the presence of a high-level delegation, which included several officials of the Macau Government. It expresses its appreciation to the representatives of the State party for the high quality of the report, the abundance of additional information and the detailed and frank answers provided in response to the oral and written questions posed and comments made by the Committee during its consideration of the report. The Committee notes with satisfaction that that information enabled it to engage in a highly constructive dialogue with the State party.

2. Factors relating to reporting obligations under the Covenant

311. The Committee notes that given the late extension of the Covenant to Macau, the Sino-Portuguese Joint Declaration and Exchange of Memoranda of 13 April 1987 does not refer to it and merely states that the laws currently in force in Macau will remain basically unchanged and that all rights and freedoms of the inhabitants and other persons in Macau, including the rights of the person, freedom of speech, of the press, of assembly, of association, of travel and of movement, the right to strike, the choice of occupation, to undertake academic research, freedom of religion and belief and of communication and the right to own property will be ensured by law in the Macau Special Administrative Region. That was followed by a Memorandum of Understanding between the People's Republic of China and the Government of Portugal, signed by their respective Ambassadors, for extension of the Covenant to Macau with reservations, and thereafter by resolution 41/92 of the Assembly of the Portuguese Republic of 31 December 1992, stipulating that the provisions of the Covenant were extended to Macau with certain reservations, particularly in regard to article 12, paragraphs 4 and 13. The Committee notes that article 40 of the Basic Law of the Macau Special Administrative Region of the People's Republic of China, adopted by the People's Congress on 31 March 1993, states that the provisions of the Covenant shall continue in force after 19 December 1999 and shall be implemented through the laws of the Macau Special Administrative Region.

312. Accordingly, the Sino-Portuguese Joint Declaration, read in conjunction with the Memorandum of Understanding and the Basic Law, appears to provide a sound legal basis for the continued protection in Macau after 19 December 1999 of the rights specified in the Covenant. The Committee, moreover, wishes to reiterate its long-standing position that human rights treaties devolve with territory and that States continue to be bound by the obligations under the Covenant entered into by the predecessor State. Once the people living in a territory find themselves under the protection of the International Covenant on Civil and Political Rights, such protection cannot be denied to them merely on account of the dismemberment of that territory or its coming within the jurisdiction of another State or of more than one State.[5] Consequently, the reporting requirements under article 40 of the Covenant will continue to apply and the Committee expects to receive and review reports in relation to Macau after 19 December 1999.

3. Positive aspects

313. The Committee welcomes the fact that the death penalty has been abolished in Macau, including for military crimes. It notes with appreciation that the domestic law as interpreted by the Superior Court of Justice prohibits extradition to a country where the person concerned may be sentenced to death.

314. The Committee notes with appreciation that strict safeguards exist in the Organic Statute of Macau with regard to the declaration of a state of siege or state of emergency and that non-derogable rights under article 4, paragraph 2, of the Covenant may under no circumstances be derogated from.

315. It is also noted with appreciation that under article 30 of the Portuguese Constitution, persons deprived of their liberty are entitled to continue to enjoy their fundamental rights, save for those limitations that are inherent in their imprisonment.

316. The Committee welcomes the efforts being made by the authorities to disseminate information on human rights to members of the judiciary, civil servants, teachers and the public in general.

317. The Committee notes with appreciation that under article 22 of the Portuguese Constitution, read in conjunction with article 2 of the Organic Statute of Macau, State agencies and public bodies are held liable for actions or omissions resulting in violations of human rights.

318. The Committee welcomes the setting up of new institutions and offices to protect human rights, such as the Public Information and Assistance Centre and the High Commission against Corruption and Administrative Illegality.

4. Principal subjects of concern

319. The Committee notes with concern that, while the majority of the population is Chinese-speaking, official charge forms and charge sheets, as well as court documents and decisions, are in Portuguese only, although efforts are being made to make Chinese versions available to the people.

320. The Committee is concerned that, despite guarantees of equality in the Constitution and in labour legislation, de facto inequalities continue in regard to the situation of women and their remuneration. The persistence of certain traditional attitudes and practices contributes to this inequality and discrimination in the workplace.

321. The Committee is particularly concerned at reports on the extent of trafficking in women in Macau and on the large number of women from different countries who are being brought into Macau for the purpose of prostitution. The Committee is extremely concerned at the inaction by the authorities in preventing and penalizing exploitation of those women and that, in particular, immigration and police officials are not taking effective measures to protect them and to impose sanctions on those who are exploiting women through prostitution, in violation of article 8 of the Covenant.

322. The Committee expresses concern at the low percentage of locally born residents holding senior positions in public administration, thus raising the issue of implementation of article 25 of the Covenant.

323. The Committee is concerned that no firm arrangements have been made between the Governments of China and Portugal with regard to the nationality of the residents of Macau after 19 December 1999.

324. The Committee regrets that, despite the efforts that are being made by the authorities to disseminate information in regard to the rights recognized in the Covenant, the public in general, and non-governmental organizations in particular, were not adequately informed of the Human Rights Committee's consideration of the third periodic report of Portugal. The Committee is also concerned that non-governmental organizations in Macau are not being encouraged to participate in programmes for the promotion and protection of human rights and that their cooperation is not sought in regard to the implementation of human rights.

5. Suggestions and recommendations

325. The Committee recommends that efforts be accelerated to introduce, as soon as possible, the use of the Chinese language in the courts at all levels and particularly in court documents and decisions.

326. The Committee recommends that determined efforts be made to ensure a substantial rise in the percentage of locally born residents holding senior posts in public administration and the judiciary.

327. The Committee recommends that the Government initiate or strengthen programmes aimed at providing assistance to women in difficult circumstances, particularly those from other countries who are brought into Macau for the purpose of prostitution. Strong measures should be taken to prevent that form of trafficking and to impose sanctions on those who exploit women in that way. Protection should be extended to women who are the victims of that kind of trafficking so that they may have a place of refuge and an opportunity to stay in order to give evidence against the person responsible in criminal or civil proceedings.

328. The Committee recommends that the provisions of article 4 of the Portuguese Assembly's resolution No. 41/92, whereby article 12, paragraph 4, and article 13 of the Covenant are not applicable to Macau as far as entry and departure of persons and the expulsion of foreigners from the Territory are concerned, be repealed as soon as possible.

329. The Committee recommends that human rights education be extended to members of the police and security forces, the legal profession and other persons involved in the administration of justice, with a view to making it part of their regular training.

330. The Committee suggests that further efforts be undertaken to disseminate information in regard to the rights recognized in the Covenant and the activities carried out by the Committee. In particular, it recommends that the present observations be widely disseminated among the public.

K. LEBANON

331. The Committee examined the second periodic report of Lebanon (CCPR/C/42/Add.14) at its 1578th and 1579th meetings (fifty-ninth session), held on 7 April 1997, and at its 1585th meeting, on 10 April 1997, adopted the following comments.

1. Introduction

332. The Committee welcomes the second periodic report submitted by the State party, although after a long delay, and appreciates the delegation's readiness to resume its dialogue with the Committee. The Committee regrets, however, that while the report provided some useful information on the general legislative framework of Lebanon, it did not deal consistently with the actual state of implementation of the Covenant and only to a limited extent with the difficulties encountered in the course of its implementation. The Committee also considers that the report is too brief to provide a comprehensive overview of the implementation of Covenant guarantees by the State party. The Committee appreciated the presence of the delegation, which provided some helpful clarifications in responding to several of the Committee's questions.

333. The Committee hopes that the present comments will assist the State party in the preparation of the third periodic report, which should include substantive and thorough information on the issues identified as being of concern to the Committee in the following paragraphs.

2. Factors and difficulties affecting the implementation of the Covenant

334. The Committee notes that the conflict in Lebanon from 1975 to 1990 destroyed much of the country's infrastructure and caused considerable human suffering, as well as severe economic disruption and difficulties, which continue to restrict resources allocated to human rights. The Committee appreciates that the State party is not in a position to ensure that the provisions of the Covenant are effectively applied and respected throughout the territory, since the authorities have no access to the southern part of the country, which remains under Israeli occupation.

335. The Committee also notes that the process of national reconstruction remains handicapped by a number of factors, inter alia, by the fact that non-Lebanese military forces control parts of the State party's territory, which contributes to undermining the control of the central Government and may prevent the application of the State party's laws and the Covenant in the areas not under the Government's control.

3. Positive aspects

336. The Committee welcomes the State party's recent adoption of legislation designed to a certain extent to bring its legal system into line with Lebanon's obligations under international human rights instruments, in particular legislation designed to ensure the equality of rights and obligations between men and women.

337. The Committee appreciates the Government's readiness to reform the country's prison system, which, the delegation conceded, has serious shortcomings, and it welcomes the budgetary appropriations decided upon by the Government to that effect. It expresses the hope that the prison reform and renovation programme will be effected as expeditiously as possible, so as to enable the State party to comply with articles 7 and 10 of the Covenant.

338. The Committee notes with appreciation the establishment of the Commission on Rules of Procedure and Human Rights (Commission du règlement intérieur et des droits de l'homme), which examines certain legislative proposals in the light of their human rights implications and for their compatibility with human rights standards. The Committee also welcomes the establishment of a Constitutional Court (art. 19 of the Constitution).

4. Subjects of concern and the Committee's recommendations

339. The Committee considers that some aspects of the State party's legal system do not conform with the provisions of the Covenant. It points in particular to the fact that decisions passed by the Justice Council are not subject to appeal, which is contrary to article 14, paragraph 5, of the Covenant. The Committee recommends that a comprehensive review be undertaken of the legal framework for the protection of human rights in the State party to ensure compliance with all of the provisions of the Covenant. It further encourages the State party to consider the creation of a national ombudsman or an independent national human rights commission, which would have authority to investigate human rights violations and make recommendations on remedial action to the Government.

340. In respect of Decree-Law No. 102 of 16 September 1983 and Decree No. 7988 of 27 February 1996, the Committee notes with concern that the circumstances under which a state of emergency may be proclaimed and enforced in Lebanon are excessively broad and may be used to restrict the exercise of basic rights in an unjustifiable manner. The Committee also deplores the fact that the State party has failed to observe its duties under article 4, paragraph 3, of the Covenant to notify the Secretary-General and through him other States parties to the Covenant of the proclamation of a state of emergency.

341. The Committee accordingly urges the State party to suspend the application of Decree-Law No. 102 and its implementation Decree, or to replace it by legislation which meets the requirements of article 4 of the Covenant. The Committee also recommends that all future proclamations of states of emergency be strictly limited in time and notified in scrupulous accordance with the requirements of article 4, paragraph 3, of the Covenant.

342. The Committee notes with concern the amnesty granted to civilian and military personnel for human rights violations they may have committed against civilians during the civil war. Such a sweeping amnesty may prevent the appropriate investigation and punishment of the perpetrators of past human rights violations, undermine efforts to establish respect for human rights and constitute an impediment to efforts undertaken to consolidate democracy.

343. The Committee notes with concern that the role and respective competencies of the Lebanese internal security forces and the military, with respect to arrest, detention and interrogation of individuals, were not properly clarified by the delegation. The Committee regrets that the delegation did not provide information on the role and extent of the exercise of power regarding the arrest, detention and interrogation, as well as the possible transfer to Syria,

of Lebanese citizens, by the Syrian security services which continue to operate within the State party's territory with the consent of the Government.

344. The Committee expresses concern about the broad scope of the jurisdiction of military courts in Lebanon, especially its extension beyond disciplinary matters and its application to civilians. It is also concerned about the procedures followed by those military courts, as well as the lack of supervision of the military courts' procedures and verdicts by the ordinary courts. The State party should review the jurisdiction of the military courts and transfer the competence of military courts, in all trials concerning civilians and in all cases concerning the violation of human rights by members of the military, to the ordinary courts.

345. More generally, the Committee expresses concern about the independence and impartiality of the State party's judiciary, and notes that the delegation itself conceded that the procedures governing the appointment of judges, and in particular members of the Conseil supérieur de la magistrature, were far from satisfactory. The Committee is also concerned that the State party does not, in many instances, provide citizens with effective remedies and appeal procedures for their grievances. The Committee therefore recommends that the State party review, as a matter of urgency, the procedures governing the appointment of members of the judiciary, which a view to ensuring their full independence.

346. The Committee expresses concern over well-substantiated allegations of acts of torture and cruel, inhuman and degrading treatment committed by the State party's police, the Lebanese security forces and non-Lebanese security forces operating within the State party's territory, the occurrence of arbitrary arrest and detention, searches operated without warrants, abusive treatment of individuals deprived of their liberty, and violations of the right to a fair trial. It has noted the delegation's statement that no such acts of torture and ill-treatment are committed by the Lebanese police and security forces; notwithstanding that statement, it urges the State party to investigate the credible allegations of instances of ill-treatment and torture that have been brought to the Committee's attention.

347. While welcoming the State party's intention to reform and modernize the prison system (see para. 337), credible and well-substantiated reports of ill-treatment of prisoners and serious overcrowding of prisons, as well as the lack of clear segregation of minors and adults and of convicted detainees and those awaiting trial, continue to be a matter of concern to the Committee. The Committee regrets that the delegation was unable to provide further clarification on the situation of female juvenile delinquents detained in Zahle prison.

348. While welcoming recent legislative amendments which eliminate some forms of discrimination against women, the Committee notes that both legal and de facto discrimination continues to be a matter of concern. It refers in this context to articles 487 to 489 of the Criminal Code, which impose harsher sentences for conviction of adultery on women than on men, to nationality laws and the law which may restrict the right to leave the country for spouses in the absence of the consent of the husband (see CCPR/C/42/Add.14, para. 9). The Committee considers that those provisions, and others referred to in the report, are incompatible with articles 3 and 23 of the Covenant. The Committee is equally concerned about the compatibility of laws and regulations which do not allow Lebanese citizens to contract marriage other than in accordance with the laws and procedures of one of the recognized religious communities, and that those laws and procedures do not afford equality of rights to women.

349. Accordingly, the Committee recommends that the State party review its laws, especially those governing the status of women, women's rights and obligations in marriage, and civil obligations, make appropriate amendments to them and take appropriate action to ensure full legal and de facto equality for women in all aspects of society. Accessible and effective remedies should be available in respect of all forms of discrimination. The Committee recommends that in addition to the existing laws and procedures governing marriage, civil laws on marriage and divorce available to everyone should be introduced in Lebanon.

350. The Committee is deeply concerned at the Government's extension of the number of crimes carrying the death penalty, which, bearing in mind that article 6 of the Covenant limits the circumstances under which capital punishment may be imposed - suggesting that they be submitted to continuing review with a view to the abolition of capital punishment - is not compatible with that article.

351. The Committee therefore urges the State party to review its policy vis-à-vis capital punishment with a view, first, to its limitation and, ultimately, its abolition. It recommends that the State party include in its next periodic report a detailed list of all crimes for which the death sentence may be imposed, as well as a list of all cases in which the death sentence was pronounced and/or carried out.

352. The Committee has noted with concern the difficulties faced by many foreign workers in Lebanon whose passports were confiscated by their employers. That practice, which the Government has conceded must be addressed more satisfactorily, is not compatible with article 12 of the Covenant. The Committee recommends that the State party take effective measures to protect the rights of those foreign workers by preventing such confiscation and by providing an accessible and effective means for the recovery of passports.

353. The Committee notes with concern that every Lebanese citizen must belong to one of the religious denominations officially recognized by the Government and that that is a requirement in order to be eligible to run for public office. That practice does not, in the Committee's opinion, comply with the requirements of article 25 of the Covenant.

354. The Committee notes with concern that a number of provisions of the Media Law No. 382 of November 1994 and Decree No. 7997 of February 1996, on the basis of which the licensing of television and radio stations has been restricted to 3 and 11 stations, respectively, do not appear to be consistent with the guarantees enshrined in article 19 of the Covenant, as there are no reasonable and objective criteria for the award of licences. The licensing process has had the effect of restricting media pluralism and freedom of expression. The Committee also observes that the limitations placed on two different categories of radio and television stations - those that can broadcast news and political programmes and those that cannot - is unjustifiable under article 19.

355. The Committee therefore recommends that the State party review and amend the Media Law of November 1994, as well as its implementing decree, with a view to bringing it into conformity with article 19 of the Covenant. It recommends that the State party establish an independent broadcasting licensing authority, with the power to examine broadcasting applications and to grant licences in accordance with reasonable and objective criteria.

356. The Committee is concerned about the maintenance of the total ban on public demonstrations, which continues to be justified by the Government on grounds of

public safety and national security. That wholesale ban on demonstrations is not, in the Committee's opinion, compatible with the right to freedom of assembly under article 21 of the Covenant and should be lifted as soon as possible.

357. The Committee has noted that while legislation governing the incorporation and status of associations is on its face compatible with article 22 of the Covenant, de facto State party practice has restricted the right to freedom of association through a process of prior licensing and control. The delegation itself conceded that the practice of denying that registration took place is unlawful. The Committee also regrets that civil servants continue to be denied the right to form associations and to bargain collectively, in violation of article 22 of the Covenant.

358. The Committee therefore recommends that the State party ensure that the competent authorities adhere scrupulously to the provisions of the Statute on Incorporation of Associations. It further suggests that the Government review and ultimately lift its ban on the establishment of associations by civil servants.

359. The Committee recommends that the State party give serious and urgent consideration to ratifying, or acceding to, the first Optional Protocol to the Covenant, as a means of strengthening the system of guarantees for the protection of human rights.

360. The Committee recommends that more detailed information about specific laws and more concrete and factual information about the enjoyment of civil and political rights be provided by the Government of Lebanon in its next periodic report. In particular, it would appreciate information on whether domestic courts have given effect to the Covenant's guarantees in their decisions and on how potential conflicts between domestic statutes and Covenant guarantees have been resolved. That would enable the Committee to assess more accurately any progress made by the State party in the implementation of the Covenant.

361. The Committee recommends that information about the Covenant, and the Committee's present observations, be disseminated as widely as possible by the Lebanese authorities and that the State party's next periodic report be widely publicized.

L. SLOVAKIA

362. The Committee considered the initial report of Slovakia (CCPR/C/81/Add.9) at its 1589th to 1591st meetings (sixtieth session), held on 15 and 16 July 1997, and at its 1611th meeting, on 30 July 1997, adopted the following observations.

1. Introduction

363. The Committee welcomes the initial report of Slovakia and the constructive dialogue with the Committee. It notes with regret that, although the report contained comprehensive information on prevailing constitutional and legislative norms in the field of human rights, it did not provide specific information on the implementation of the Covenant in practice. However, the Committee expresses its appreciation for the answers provided by the delegation to questions asked in the course of the discussion, which enabled it to obtain a somewhat clearer picture of the actual human rights situation in the country.

2. Factors and difficulties affecting the implementation of the Covenant

364. The Committee is aware that Slovakia is still in a period of transition from an authoritarian to a democratic system and that it recently acquired its independence after the dissolution of the Czech and Slovak Federation. The Committee notes with concern that the remnants of the former totalitarian rule have not yet been completely overcome and that further steps remain to be taken in consolidating and developing democratic institutions and strengthening the implementation of the Covenant. The Committee notes the persistence of political and social attitudes in the country that are adverse to the promotion and full protection of human rights. The Committee also notes with concern that the lack of clarity in the delimitation of the respective competences of the executive, legislative and judicial authorities may endanger the implementation of the rule of law and a consistent human rights policy.

3. Positive aspects

365. The Committee welcomes many recent developments in Slovakia that represent positive steps towards better promotion and protection of human rights. In particular, the Committee welcomes the preferential status given to international treaties, including the Covenant, over domestic laws; the inclusion of an extensive and elaborate catalogue of fundamental rights, including minority rights, in the Constitution and the adaptation after Slovakia's independence of Constitutional Statute No. 23/1991 enacting a Charter of Fundamental Rights and Freedoms; and the application by the Constitutional Court of provisions of the Covenant, including reference to the Committee's General Comments.

366. The Committee welcomes the succession by Slovakia to the ratification of the Optional Protocol to the Covenant on individual communications.

367. The Committee notes with interest the establishment of institutions to deal with human rights issues, such as the Commission for Minorities, the Coordinating Commission on the Status of Women and the Special Representative

for persons in need of particular assistance, and looks forward to information, in future reports, about their activities.

368. The Committee welcomes the adoption of measures aimed at redressing past injustices, such as the policy instituted by the Slovak Government, based on Law No. 87/1991 enacted by the Czech and Slovak Federation, allowing properties confiscated by the former Communist regime to be reclaimed by their former owners or their descendants, and the adoption of Act No. 282/1993 Coll., on the mitigation of certain property injustices done to churches and religious societies between 1945 and 1990, and between 1939 and 1990 in the case of properties previously owned by synagogues and Jewish societies.

369. The Committee commends the abolition of the death penalty in 1990 and recommends that Slovakia ratify the Second Optional Protocol to the Covenant.

370. The Committee notes with appreciation the establishment of special unit composed of personnel receiving specific training within the Slovak police to deal with crimes against women and children, and the enactment of new laws to deal with violence against women and the sexual exploitation of children.

371. The Committee welcomes the adoption of a new law on citizenship, which protects all children born in Slovakia from being stateless.

372. The Committee notes that various measures and steps are envisaged by Slovak authorities further to promote and protect human rights, including the setting up of an office of ombudsman for human rights, and urges their rapid implementation. It notes Slovakia's readiness to develop international cooperation to secure that all Roma children already born acquire either Czech or Slovak citizenship, and the intention expressed by the delegation to publish and disseminate the full text of the present observations.

4. Subjects of concern and the Committee's recommendations

373. The Committee notes with concern that insufficient steps have been taken to date to implement various provisions of the Constitution dealing with fundamental rights and of the Covenant. In particular, the Committee regrets the absence or inadequacy of laws regulating matters relating to article 14 of the Covenant, with respect to the appointment of members of the judiciary; article 4 of the Covenant; article 18, with respect to the right to conscientious objection to military service without a punitive extension of the period of service; and article 25.

374. The Committee regrets the lack of clarity regarding the interrelationship of articles 11, 125 and 132 of the Constitution, especially as to the Constitutional Court's competence conclusively to ensure that acts and regulations of central or local governments comply with the Constitution and international treaties, including the Covenant.

375. The Committee expresses its concern over substantiated reports of discrimination, particularly against women, and notes that independent complaint mechanisms for victims of all forms of discrimination do not exist. It recommends that: (a) priority be given to addressing discrimination, in particular through training and education campaigns; and (b) mechanisms to monitor non-discrimination laws and to receive and investigate complaints from victims urgently be established.

376. The Committee is concerned about reports that Roma people are often victims of racist attacks, without receiving adequate protection from law enforcement officers. It reiterates its recommendations made under (a) and (b) of paragraph 375.

377. The Committee is concerned about cases of excessive use of force by law enforcement officials, as well as maltreatment of detainees during police custody. It notes that the law enforcement system will only be able to function properly when sufficient attention is given to the training of law enforcement officials. The Committee therefore recommends the setting up of appropriate training programmes intended for law enforcement and custodial personnel in the field of human rights, especially on articles 7, 9 and 10 of the Covenant. More generally, the Committee recommends that training programmes be set up for professional groups such as judges, lawyers and public servants, and that human rights education be provided in schools at all levels, in order to develop a culture of respect for human rights within society.

378. The Committee regrets that insufficient information was provided on the actual compliance with the provisions of article 9 of the Covenant in relation to all forms of detention, in particular pre-trial administrative detention and detention of asylum seekers. The Committee recommends that the Government undertake a comprehensive analysis on compliance of legislation and practice relating to administrative detention with article 9 of the Covenant.

379. With respect to article 14 of the Covenant, the Committee notes with concern that the present rules governing the appointment of judges by the Government with approval of Parliament could have a negative effect on the independence of the judiciary. The Committee recommends that specific measures be adopted as a matter of priority guaranteeing the independence of the judiciary and protecting judges from any form of political influence, through the adoption of laws regulating the appointment, remuneration, tenure, dismissal and disciplining of members of the judiciary.

380. The Committee also notes with concern that the right to free legal assistance provided for by article 14, paragraph 3 (d), of the Covenant does not seem to be guaranteed in all cases, but only in cases for which the maximum penalty is more than five years' imprisonment. It further notes with concern that, although the law provides for the assistance of a lawyer immediately after arrest, many cases were reported in which that right was not respected during policy custody. The Committee therefore recommends that legislation regulating the provision of free legal assistance be reviewed so as to conform with the Covenant and that the implementation of laws and regulations governing the presence and assistance of lawyers be closely monitored.

381. The Committee further notes with concern that civilians may be tried by military courts in certain cases, including betrayal of State secrets, espionage and State security. It recommends that the Criminal Code be amended so as to prohibit the trial of civilians by military tribunals in any circumstances.

382. The Committee notes that Act No. 308/1991 Coll., on freedom of religion and the status of churches and religious societies, and Acts No. 83/1990 Coll., 300/1990 Coll. and 62/1993 Coll., on the association of citizens, require that churches, religious societies, associations and non-governmental organizations be registered to function freely and/or to receive subsidies from the State. Given that prerequisites for this registration are very restrictive, some churches and religious or other associations are excluded from being legally recognized. The Committee recommends that all necessary measures be adopted in

order to amend the relevant legislation so as to bring it into conformity with articles 18 and 22 of the Covenant.

383. The Committee has a number of concerns with respect to freedom of expression under article 19 of the Covenant: (a) article 98 of the Penal Code makes it an offence to "disseminate false information abroad which harms the interest" of Slovakia; this terminology, in the 1996 Code, is so broadly phrased as to lack any certainty and carries the risk of restricting freedom of expression beyond the limits allowable under article 19, paragraph 3, of the Covenant; (b) interference by the Government in the direction of its State-owned television also carries a danger of violating article 19 of the Covenant; and (c) lawsuits for defamation resulting from expressed criticism of the Government poses a similar problem. The Committee recommends that all three aspects be reviewed and any necessary legislation passed to eliminate any such inconsistency with the Covenant.

384. The Committee is concerned at the absence of judicial guarantees with respect to telephone tapping during the pre-trial investigation of crime. It recommends that interception of confidential communications be always subject to control by an independent judicial authority.

385. With respect to article 27 of the Covenant, the Committee notes with concern that no steps have yet been taken to adopt legislation to implement articles 6 (b) and 34, paragraph 2 (b), of the Constitution, on the use of minority languages after the annulment of the 1990 Act on the Official Language, and that, as a consequence, the use of minority languages in official communications is not secured. The Committee recommends that legislation be rapidly adopted to secure language rights for minorities, with due consideration being given to the provisions of the Covenant and to the Committee's General Comment 23(50). The Committee is concerned that insufficient provision, in particular in relation to allocation of resources, is made in the field of educational and cultural rights for the benefit of the Hungarian minority.

386. The Committee expresses its regret that certain questions asked during the discussion with the delegation have not been answered, and it requests that additional information be provided to the Committee on the implementation of constitutional provisions relating to human rights, mentioned in paragraph 373; the institutions designed to protect human rights; the relationship between articles 11, 125 and 132 of the Constitution; the right to free legal assistance; the implementation of article 9 of the Covenant in all forms of detention, including detention of asylum seekers; and action to ensure that school textbooks do not contain material tending to promote anti-Semitic and other racist views.

387. The Committee draws to the attention of the Government of Slovakia the provisions of paragraph 6 (a) of the Guidelines regarding the Form and Contents of Periodic Reports from States parties and requests that, accordingly, its next report, due on 31 December 2001, contain material which responds to all the present concluding observations. The Committee further requests that the present concluding observations be widely disseminated among the public at large in all parts of Slovakia.

M. FRANCE

388. The Committee examined the third periodic report of France (CCPR/C/76/Add.7) at its 1597th to 1600th meetings (sixtieth session), held on 20 and 21 July 1997, and at its 1613th meeting, on 31 July 1997, adopted the following observations.

1. Introduction

389. The Committee expresses its appreciation to the State party for its elaborate and thorough report, which has been prepared in accordance with the Committee's guidelines, and for engaging in a constructive dialogue with the Committee through a highly qualified delegation. The Committee regrets, however, that the third periodic report, which was due in 1992, was submitted only after considerable delay and that therefore the Committee did not have the opportunity to re-establish its dialogue with France for nearly ten years. The Committee notes with satisfaction that the information provided in the report, and that given orally by the delegation in reply to both written and oral questions, enabled the Committee to obtain a good understanding of the actual compliance by France with the obligations undertaken under the Covenant. The Committee appreciates the considerable amount of written information provided by the Government, after the discussion, in answer to issues raised by members of the Committee.

2. Factors and difficulties affecting the implementation of the Covenant

390. The Committee finds that reservations and declarations made by France when ratifying the Covenant and consequent non-reporting on many issues related to such reservations and declarations, which may bear directly or indirectly on the enjoyment of Covenant rights, make it difficult to assess fully and comprehensively the situation in regard to human rights in France.

3. Positive aspects

391. The Committee notes with satisfaction the institution and functioning of the Consultative Commission on Human Rights, which includes participation by non-governmental organizations and serves as an independent consultative body.

392. The Committee welcomes the recent measures taken by France to promote equality of men and women in the context of article 3 of the Covenant. It notes the adoption of the Act of 22 November 1992, which aims to prevent and combat sexual harassment by an employer. The Committee appreciates the rapid rise in the proportion of women in public service posts.

393. The Committee welcomes the announcement made by the French delegation during the consideration of the report that the practice of deportation of groups of illegal immigrants by chartered flights to their home countries, bearing characteristics of collective expulsion, has been stopped since 1 June 1997.

394. The Committee notes that article 55 of the Constitution of France gives direct applicability primacy to the Covenant in relation to domestic law. The

Committee welcomes the extension of this principle to administrative jurisdictions by the decision of the Conseil d'Etat dated 20 October 1989.

395. The Committee notes with appreciation that a referendum, in compliance with article 1 of the Covenant, is scheduled to be held in the Overseas Territory of New Caledonia in 1998 for the people of that territory to decide on their future political status.

396. The Committee takes note of the establishment of a liaison committee in the framework of the United Nations Decade for Human Rights Education.

4. Subjects of concern and the Committee's recommendations

397. The Committee is concerned that no specific mechanism exists in France to ensure that the views expressed by the Committee on individual communications under the Optional Protocol are complied with. The Committee suggests that a mechanism be established for that purpose.

398. The Committee is concerned that in some overseas territories, such as Mayotte and New Caledonia, personal status is determined by religious or customary law, which might in some situations lead to discriminatory attitudes and decisions, especially against women. The Committee recommends that the State party undertake a comprehensive study to review the compatibility of the personal status of women in Mayotte, New Caledonia and other overseas territories with the provisions of the Covenant, and particularly article 3, and, if needed, take appropriate measures to eliminate all existing inequalities.

399. The Committee is concerned at the prevailing malaise in the magistracy and the legal profession concerning the independence of the judiciary and of the prosecutors. It welcomes the information provided by the delegation to the effect that a commission has recently reported and made recommendations on this issue.

400. The Committee is constrained to observe that the Amnesty Acts of November 1988 and January 1990 for New Caledonia are incompatible with the obligation of France to investigate alleged violations of human rights.

401. While acknowledging the efforts undertaken and the successful results obtained by the State party during the period under review in combating discrimination against women, the Committee is concerned at the low proportion of appointments of women as senior officials in public administration at both local and central levels. The Committee urges the State party to pursue active measures for the realization of women's rights, especially by taking measures to achieve their equal representation at all levels of public administration and to prevent discrimination against workers with family responsibilities.

402. The Committee is concerned at existing procedures of investigation against the police for human rights abuses. It is also concerned at the failure or inertia of prosecutors in applying the law to investigating human rights violations where law enforcement officers are concerned and at the delays and unreasonably lengthy proceedings in investigation and prosecution of alleged human rights violations involving law enforcement officers. The Committee recommends that the State party take appropriate measures fully to guarantee that all investigations and prosecutions are undertaken in full compliance with the provisions of article 2, paragraph 3, and articles 9 and 14 of the Covenant.

403. The Committee is seriously concerned at the number and serious nature of the allegations it has received of ill-treatment by law enforcement officials of detainees and other persons who come into abrasive contact with them, including unnecessary use of firearms resulting in a number of deaths, the risk of such ill-treatment being much greater in the case of foreigners and immigrants. It is also concerned at the reported increase in the rate of suicides in detention centres. The Committee is concerned that in most cases, there is little, if any, investigation of complaints of such ill-treatment by the internal administration of the police and the Gendarmerie nationale, resulting in virtual impunity. It is concerned that no independent mechanism exists to receive individual complaints from detainees. The Committee recommends that the State party take appropriate measures to remedy this state of affairs and, inter alia, reduce the level of use of solitary confinement. It also recommends that the State party establish an independent mechanism to monitor detention centres and to receive and deal with individual complaints of ill-treatment by law enforcement officials. The Committee urges the State party to introduce in the training of law enforcement officials at all levels a comprehensive course in human rights along the lines contained in the United Nations Training Manual for Law Enforcement Officers.

404. The Committee is concerned about the frequent resort to and length of pre-trial detention. It is a matter of particular concern to the Committee that the length of pre-trial detention should be high in case of juveniles, which would constitute violation of article 9, paragraph 3, and 14, paragraphs 2 and 3 (c), of the Covenant. The Committee is also concerned that the right to legal counsel may not be available to a juvenile in certain proceedings. The Committee recommends that measures be taken to reduce the length of pre-trial detention and ensure legal aid to juveniles in legal proceedings.

405. The Committee is concerned that the powers of the Gendarmerie nationale, which is basically a military corps, when operating in a civilian public order situation, are wider than those of the police. The Committee recommends that the State party consider repealing or modifying the Decree dated 22 July 1943 so as to reduce the powers of the Gendarmerie when it comes to the use of firearms in public order situations, with a view to harmonizing them with those of the police.

406. The Committee is concerned that in order to exercise the right to conscientious objection to military service, which is a part of freedom of conscience under article 18 of the Covenant, the application must be made in advance of the conscript's incorporation into military service and that the right cannot be exercised thereafter. Moreover, the Committee notes that the length of alternative service is twice as long as military service, which may raise issues of compatibility with article 18 of the Covenant.

407. The Committee is concerned that the treatment given by the State party to asylum seekers does not appear to comply with the provisions of the Covenant. The Committee is also concerned at the reported instances of asylum seekers not being allowed to disembark from ships at French ports, without giving them an opportunity to assert their individual claims, since such practices raise issues of compatibility with article 12, paragraph 2, of the Covenant. However, the Committee welcomes the fact that France is considering the abolition of such practices.

408. The Committee is particularly concerned about the restrictive definition given to the concept of "persecution" of refugees by the French authorities as it does not take into account possible persecution proceedings from non-State

actors. The Committee recommends that the State party adopt a wider interpretation of "persecution" to include non-State actors.

409. The Committee is concerned that the Office of the United Nations High Commissioner for Refugees (UNHCR) has no right of access to the various places where persons applying for asylum or awaiting deportation are kept. The Committee recommends that UNHCR should be able to visit those places whenever it sees fit without any obstruction or hindrance.

410. The Committee is concerned about the continued application of the anti-terrorist laws of 2 September 1986 and 16 December 1992, which provide for a centralized court with prosecutors having special powers of arrest, search and prolonged detention in police custody for up to 4 days (twice the normal length) and where an accused person does not have the same rights in the determination of guilt as in the ordinary courts. The Committee is also concerned that the accused has no right to contact a lawyer during the initial period of 72 hours of his detention in police custody and that no appeal is provided for against the decisions of the Special Court. The Committee regrets that the State party did not provide information as to which authority in practice decides whether a case is to be handled under ordinary criminal law or under the anti-terrorist laws and what role is played by the police in that decision. The Committee has now been given information regarding statistics on concluded trials under the anti-terrorist laws, but it is informed that many hundreds of people are under detention, investigation and trial on suspicion of committing acts of terrorism or related offences. In the circumstances, the Committee would recommend that anti-terrorist laws, which appear to be necessary to combat terrorism, be brought fully into conformity with the requirements of articles 9 and 14 of the Covenant.

411. The Committee takes note of the declaration made by France concerning the prohibition, under article 27 of the Covenant, to deny ethnic, religious or linguistic minorities the right, in community with members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language. The Committee has taken note of the avowed commitment of France to respect and ensure to all individuals equal rights, irrespective of their origin. The Committee is, however, unable to agree that France is a country in which there are no ethnic, religious or linguistic minorities. The Committee wishes to recall in this respect that the mere fact that equal rights are granted to all individuals and all individuals are equal before the law does not exclude the existence in fact of minorities in a country and their entitlement to the enjoyment of their culture, the practice of their religion or the use of their language in community with other members of their group.

412. The Committee is concerned that the Civil Code establishes a different minimum age for marriage for girls (15) and for boys (18) and that it sets such a low age for girls. It is also concerned that the Civil Code specifies that only the father can make the declaration of birth of his child. Furthermore, the Committee is concerned that in some situations children born out of wedlock might not have their right to succession fully recognized. The Committee recommends that the minimum age of marriage for girls be raised. It also suggests that the State party amend its Civil Code to allow mothers to make the declaration of birth of her child. Further, the Committee recommends that all children born out of wedlock be given the same succession rights as children born in wedlock.

413. The Committee is concerned at the absence of an independent complaint mechanism, such as a national human rights commission, for the protection and

enforcement of human rights. The Committee strongly recommends that an institutional mechanism be established by the Government for receiving complaints of violations of human rights, including all forms of discrimination, with power to undertake conciliation as well as determination of such complaints and granting of redress.

414. The Committee recommends that the State party submit its next report in time and that the report include a comprehensive assessment regarding the implementation of provisions of the Covenant, including in particular articles 9 and 14, and particulars of the cultural, religious and linguistic rights of ethnic groups and inhabitants of the Overseas territories. The Committee would welcome reconsideration by France of the reservations and declarations made by it.

415. The Committee draws to the attention of the Government of France the provisions of paragraph 6 (a) of the Guidelines Regarding the Form and Contents of Periodic Reports from States parties, and requests that, accordingly, its next periodic report, due on 31 December 2000, should contain material which responds to all the present Concluding Observations. The Committee further requests that the present concluding observations be widely disseminated among the public at large in all parts of France.

N. INDIA

416. The Committee considered the third periodic report of India (CCPR/C/76/Add.6) at its 1603rd to 1606th meetings (sixtieth session), held on 24 and 25 July 1997, and at its 1612th meeting, on 30 July 1997, adopted the following observations.

1. Introduction

417. The Committee welcomes the third periodic report of India, although it regrets the delay in submitting it to the Committee. While noting that the report provides comprehensive information on the constitutional and legislative norms applicable in India in the field of human rights and makes reference to the Committee's previous comments during consideration of the State party's second periodic report, as well as to a number of court decisions, the Committee regrets the lack of information on difficulties encountered in implementing the provisions of the Covenant in practice. The delegation acknowledged in some measure those difficulties and it provided the Committee with detailed and comprehensive written and oral information in the course of the consideration of the report. The Committee appreciates the cooperation which India thus extended to the Committee in the discharge of its mandate.

418. The information submitted by a wide range of non-governmental organizations also assisted the Committee in its understanding of the human rights situation in the State party.

2. Factors and difficulties affecting the implementation of the Covenant

419. The Committee recognizes that terrorist activities in the border States that have caused death and injury to thousands of innocent people force the State party to take measures to protect its population. It stresses, however, that all measures adopted must be in conformity with the State party's obligations under the Covenant.

420. It notes, moreover, that the size of the country, its huge population, the massive poverty and the great disparities in the distribution of wealth among various social groups affect the advancement of rights. The persistence of traditional practices and customs, leading to women and girls being deprived of their rights, their human dignity and their lives and to discrimination against members of the underprivileged classes and castes and other minorities, and of ethnic, cultural and religious tensions constitute impediments to the implementation of the Covenant.

3. Positive aspects

421. The Committee notes with satisfaction the existence of a broad range of democratic institutions and a comprehensive constitutional and legal framework for the protection of human rights. It welcomes frequent references to provisions of international human rights instruments by the courts, in particular the Supreme Court.

422. The Committee welcomes the establishment of the National Human Rights Commission in 1993 and the respect which the Government of India accords to its

recommendations. The Committee notes that the Commission has been given powers, limited though they are, under the Protection of Human Rights Act, to inquire into complaints of human rights violations, to intervene in court proceedings involving allegations of human rights violations or otherwise dealing with human rights issues, to review constitutional and legal norms and the conformity of laws with international human rights instruments, to make specific recommendations to the Parliament and other authorities and to undertake activities in the field of human rights education. It also welcomes the recent setting up of human rights commissions in six states, including Punjab and Jammu and Kashmir, and of human rights courts in several other states of the Union.

423. The Committee also welcomes the establishment of the National Commission for Scheduled Castes and Tribes and the National Commission for Women in 1992, and the National Commission for Minorities in 1993. Those commissions have initiated some improvements, in particular in the levels of education and the representation of the various groups concerned in elected bodies and other authorities.

424. The Committee welcomes the lapse, in 1995, of the Terrorist and Disruptive Activities Act (TADA Act), under which members of the security and armed forces enjoyed special powers in the use of force, arrest and detention. It also welcomes the related review of cases under that Act, following which a number of cases were dropped, and the directives given by the Supreme Court to deal with questions of bail under the TADA Act, although a number of cases still require to be dealt with.

425. The Committee has noted that positions in elected bodies are reserved for members of Scheduled Castes and Tribes and that a constitutional amendment has reserved one third of the seats in elected local bodies (Panchayati Raj) for women. The Committee also notes the introduction of a Bill to reserve one third of the seats for women in the Federal Parliament and in state legislatures.

426. The Committee welcomes the restoration of elected legislatures and governments in all states within the Union, including Punjab and Jammu and Kashmir, as well as the holding of federal parliamentary elections in April-May 1996. In addition, the Committee welcomes the constitutional amendment giving a statutory basis to Panchayati Raj - village self-rule institutions - and the enactment of the Panchayati Raj (Extension to Scheduled Areas) Act of 24 December 1996, which are designed to increase participation in the conduct of public affairs at the community level.

427. The Committee further welcomes the intention declared by the Government to introduce legislative measures to further freedom of information.

4. Subjects of concern and the Committee's recommendations

428. The Committee, noting that international treaties are not self-executing in India, recommends that steps be taken to incorporate fully the provisions of the Covenant into domestic law, so that individuals may invoke them directly before the courts. The Committee also recommends that consideration be given by the authorities to ratifying the Optional Protocol to the Covenant, enabling the Committee to receive individual communications relating to India.

429. The Committee, noting the reservations and declarations made by the Government of India to articles 1, 9, 12, 13, 19, paragraph 3, and 21 and 22 of the Covenant, invites the State party to review those reservations and

declarations with a view to withdrawing them, so as to ensure progress in the implementation of those rights within the context of article 40 of the Covenant.

430. The Committee notes with concern that, despite measures taken by the Government, members of Scheduled Castes and Tribes, as well as the so-called backward classes and ethnic and national minorities, continue to endure severe social discrimination and to suffer disproportionately from many violations of their rights under the Covenant, including, inter alia, inter-caste violence, bonded labour and discrimination of all kinds. It regrets that the de facto perpetuation of the caste system entrenches social differences and contributes to these violations. While the Committee notes the efforts made by the State party to eradicate discrimination, it recommends that further measures be adopted, including education programmes at national and state levels, to combat all forms of discrimination against those vulnerable groups, in accordance with article 2, paragraph 1, and article 26 of the Covenant.

431. While acknowledging measures taken to outlaw child marriages (Child Marriage Restraint Act), the practice of dowry and dowry-related violence (Dowry Prohibition Act and the Penal Code) and sati - self-immolation of widows - (Commission of Sati (Prevention) Act), the Committee remains gravely concerned that legislative measures are not sufficient and that measures designed to change the attitudes which allow such practices should be taken. The Committee is also concerned that giving male children preferred treatment persists, and it deplores the fact that practices such as foeticide and infanticide of females continue. The Committee further notes that rape in marriage is not an offence and that rape committed by a husband separated from his wife incurs a lesser penalty than for other rapists. The Government must take further measures to overcome those problems and to protect women from all discriminatory practices, including violence. Additional information should be provided in the State party's next periodic report on the functions, powers and activities of the National Commission for Women.

432. The Committee is concerned that women in India have not been accorded equality in the enjoyment of their rights and freedoms in accordance with article 2, paragraph 1, and articles 3 and 26 of the Covenant. Nor have they been freed from discrimination. Women remain under-represented in public life and at the higher levels of the public service and are subjected to personal laws which are based on religious norms and which do not accord equality in respect of marriage, divorce and inheritance rights. The Committee points out that the enforcement of personal laws based on religion violates the right of women to equality before the law and to non-discrimination. It therefore recommends that efforts be strengthened towards ensuring the enjoyment of their rights by women without discrimination and that personal laws be enacted which are fully compatible with the Covenant.

433. The Committee remains concerned at the continuing reliance on special powers under legislation such as the Armed Forces (Special Powers) Act, the Public Safety Act and the National Security Act in areas declared to be disturbed, and at serious human rights violations, in particular with respect to articles 6, 7, 9 and 14 of the Covenant, committed by security and armed forces acting under those laws, as well as by paramilitary and insurgent groups. The Committee, noting that the examination of the constitutionality of the Armed Forces (Special Powers) Act, long pending before the Supreme Court was due to be heard in August 1997, hopes that its provisions will also be examined for their compatibility with the Covenant. Bearing in mind the provisions of articles 1, 19 and 25 of the Covenant, the Committee endorses the views of the National Human Rights Commission to the effect that the problems in areas affected by

terrorism and armed insurgency are essentially political in character and that the approach to resolving such problems must also, essentially, be political, and it emphasizes that terrorism should be fought with means that are compatible with the Covenant.

434. The Committee regrets that some parts of India have remained subject to declaration as disturbed areas over many years - for example, the Armed Forces (Special Powers) Act has been applied throughout Manipur since 1980 and in some areas of that state for much longer - and that in those areas, the State party is in effect using emergency powers without resorting to article 4, paragraph 3, of the Covenant. The Committee recommends that the application of those emergency powers be closely monitored so as to ensure its strict compliance with the provisions of the Covenant.

435. The Committee expresses concern at the lack of compliance of the Penal Code with article 6, paragraphs 2 and 5, of the Covenant. It therefore recommends that the State party abolish by law the imposition of the death penalty on minors and reduce the number of offences carrying the death penalty to the most serious crimes, with a view to its ultimate abolition.

436. The Committee notes with concern that criminal prosecutions or civil proceedings against members of the security and armed forces, acting under special powers, may not be commenced without the sanction of the Central Government. That practice contributes to a climate of impunity and deprives people of remedies to which they may be entitled in accordance with article 2, paragraph 3, of the Covenant. The Committee recommends that the requirement of governmental sanction for civil proceedings be abolished and that it be left to the courts to decide whether proceedings are vexatious or abusive. It urges that judicial inquiries be mandatory in all cases of death at the hands of the security and armed forces and that the judges in such inquiries, including those under the Commission of Enquiry Act of 1952, be empowered to direct the prosecution of security and armed forces personnel.

437. The Committee regrets that the National Human Rights Commission is prevented by Clause 19 of the Protection of Human Rights Act from investigating directly complaints of human rights violations against the armed forces, but must request a report from the Central Government. The Committee further regrets that complaints to the Commission are subject to a one-year time limit, thus preventing the investigation of many alleged past human rights violations. The Committee recommends that those restrictions be removed and that the National Human Rights Commission be authorized to investigate all allegations of violations by agents of the State. It further recommends that all states within the Union be encouraged to establish human rights commissions.

438. The Committee expresses concern at allegations that police and other security forces do not always respect the rule of law and that, in particular, court orders for habeas corpus are not always complied with, particularly in disturbed areas. It also expresses concern about the incidence of custodial deaths, rape and torture and at the failure of the Indian Government to receive the United Nations Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment. While the Committee welcomes the requirement by the National Human Rights Commission that all such alleged incidents be reported and investigated and that all post-mortem examinations be taped, it recommends: (a) the early enactment of legislation for mandatory judicial inquiry into cases of disappearance and death, ill-treatment or rape in police custody; (b) the adoption of special measures to prevent the occurrence of rape of women in custody; (c) the mandatory

notification of relatives of detainees without delay; (d) the guarantee of the right of detainees to legal advice and assistance and to have a medical examination; and (e) that priority be given to providing training and education in the field of human rights to law enforcement and custodial officers and members of the security and armed forces, as well as judges and lawyers, and that the United Nations Code of Conduct for Law Enforcement Officials be taken into account in this regard.

439. The Committee regrets that the use of special powers of detention remains widespread. While noting the State party's reservation to article 9 of the Covenant, the Committee considers that that reservation does not exclude, inter alia, the obligation to comply with the requirement to inform promptly the person concerned of the reasons for his or her arrest. The Committee is also of the view that preventive detention is a restriction on liberty imposed as a response to the conduct of the individual concerned, that the decision as to continued detention must be considered as a determination falling within the meaning of article 14, paragraph 1, of the Covenant, and that proceedings to decide the continuation of detention must, therefore, comply with that provision. The Committee recommends that the requirements of article 9, paragraph 2, of the Covenant be complied with in respect of all detainees. The question of continued detention should be determined by an independent and impartial tribunal, constituted and operating in accordance with article 14, paragraph 1, of the Covenant. It further recommends, at the very least, that a central register of detainees under preventive detention laws be maintained and that the State party accept the admission of the International Committee of the Red Cross and Red Crescent to all types of detention facilities, particularly in areas of conflict.

440. The Committee notes with concern that, although the Terrorist and Disruptive Activities (Prevention) Act has lapsed, 1,600 people remain in detention under its provisions. The Committee recommends that measures be taken to ensure either the early trial of those people or their release. It is also concerned that there are legislative proposals to reintroduce parts of the Act and that this could lead to further violations of the Covenant.

441. The Committee expresses concern at the overcrowding and poor health conditions and sanitation in many prisons, the inequality of treatment of prisoners and the lengthy periods of pre-trial detention, all of which are incompatible with articles 9 and 10, paragraph 1, of the Covenant. The Committee, while welcoming the initiative to give the Central Government a greater role in the administration and management of prisons, recommends that measures be taken to reduce overcrowding, to release those who cannot be given a speedy trial and to upgrade prison facilities as quickly as possible. In this respect, the Committee recommends that attention be given to the United Nations Standard Minimum Rules for the Treatment of Prisoners.

442. The Committee urges the institution of reforms to the procedure of the courts to ensure a speedy trial of those charged with offences, prompt hearing in civil cases and similar urgency in hearing appeals.

443. The Committee expresses its concern at reports that fines have been imposed on communities in areas declared as disturbed, without hearing. It thus recommends that the relevant penal provisions be closely monitored and effectively implemented, so that the imposition of such fines is prohibited.

444. The Committee expresses concern at the extent of bonded labour, as well as the fact that the incidence of that practice reported to the Supreme Court is

far higher than is mentioned in the report. The Committee also notes with concern that eradication measures which have been taken do not appear to be effective in achieving real progress in the release and rehabilitation of bonded labourers. The Committee therefore recommends that a thorough study be urgently undertaken to identify the extent of bonded labour and that more effective measures be taken to eradicate that practice, in accordance with the Bonded Labour System (Abolition) Act of 1976 and article 8 of the Covenant.

445. The Committee expresses concern at reports of forcible repatriation of asylum seekers, including those from Myanmar (Chins), the Chittagong Hills and the Chachmas. It recommends that, in the process of repatriation of asylum seekers or refugees, due attention be paid to the provisions of the Covenant and other applicable international norms.

446. The Committee deplores the high incidence of child prostitution and trafficking of women and girls into forced prostitution, and it regrets the lack of effective measures to prevent such practices and to protect and rehabilitate the victims. The Committee also regrets that women who have been forced into prostitution are criminalized by the Immoral Trafficking Prevention Act and, further, that article 20 of the Act puts the burden of proof on a woman to prove that she is not a prostitute, which is incompatible with the presumption of innocence. The Committee recommends that the application of that law to women in the situation described be repealed and that measures be taken to protect and rehabilitate women and children whose rights have been violated in this way.

447. The Committee further regrets the lack of national legislation to outlaw the practice of Devadasi, which is left to the states. It appears that the practice continues and that not all states have effective legislation against it. The Committee emphasizes that this practice is incompatible with the Covenant. It therefore recommends that all necessary measures be taken urgently to eradicate it.

448. The Committee expresses its concern at the plight of street children and at the reported high level of violence against children, within society. It is particularly concerned at reports of child mutilation. It recommends that urgent measures be taken to address the problem and that specific mechanisms be set up for the protection of children.

449. The Committee expresses concern that, despite actions taken by the State party, there has been little progress in implementing the Child Labour (Prohibition and Regulation) Act of 1986. It recommends that urgent steps be taken to remove all children from hazardous occupations, that immediate steps be taken to implement the recommendation of the National Human Rights Commission to respect the constitutional requirement to make it a fundamental right for all children under 14 to have free and compulsory education, and that efforts be strengthened to eliminate child labour in both the industrial and rural sectors. The Committee also recommends that consideration be given to establishing an independent mechanism with effective national powers to monitor and enforce the implementation of laws for the eradication of child labour and bonded labour.

450. The Committee draws to the attention of the Government of India the provisions of paragraph 6 (a) of the Guidelines Regarding the Form and Contents of Periodic Reports from States parties, and requests that, accordingly, its next periodic report, due on 31 December 2001, should contain material which responds to all the present concluding observations. The Committee further requests that the concluding observations be widely disseminated among the public at large in all parts of India.

VI. GENERAL COMMENTS OF THE COMMITTEE

451. At the sixtieth session, Mr. Eckart Klein presented to the Committee a working document summarizing in detail the work of the Committee in relation to article 12 of the Covenant, including information about the Committee's views under article 40 and its case-law under article 40. The Committee considered that the document provided a valuable basis for the drafting of a General Comment on article 12.

452. A letter dated 25 June 1997 from Mr. Joinet, Chairman/Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities' Working Group on the Administration of Justice to the Chairman, requesting the Committee to consider preparing an amendment to its General Comment on article 4 was referred to the Working Group that was scheduled to meet prior to the Committee's sixty-first session.

VII. CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL

453. Individuals who claim that any of their rights under the International Covenant on Civil and Political Rights have been violated by a State party, and who have exhausted all available domestic remedies, may submit written communications to the Human Rights Committee for consideration under the Optional Protocol. No communication can be considered unless it concerns a State party to the Covenant that has recognized the competence of the Committee by becoming a party to the Optional Protocol. Of the 138 States that have ratified, acceded or succeeded to the Covenant, 92 have accepted the Committee's competence to deal with individual complaints by becoming parties to the Optional Protocol (see annex I, sect. B).

454. Consideration of communications under the Optional Protocol is confidential and takes place in closed meetings (art. 5, para. 3, of the Optional Protocol). On 10 April 1997, the Committee adopted a new rule concerning confidentiality. Rule 96 of the Committee's rules of procedure replaces former rules 96, 97 and 98. Under the new rule 96, the author of a communication and the State party concerned may now make public any submissions or information bearing on the proceedings unless the Committee has requested the parties to respect confidentiality. All working documents issued for the Committee are confidential unless the Committee decides otherwise. The Committee's final decisions (Views, decisions declaring a communication inadmissible, decisions to discontinue a communication) are made public; the name(s) of the author(s) is(are) disclosed unless the Committee decides otherwise.

A. Progress of work

455. The Committee started its work under the Optional Protocol at its second session, in 1977. Since then, 765 communications concerning 54 States parties have been registered for consideration by the Committee, including 49 placed before it during the period covered by the present report (27 July 1996-1 August 1997).

456. The status of the 765 communications registered for consideration by the Human Rights Committee so far is as follows:

(a) Concluded by Views under article 5, paragraph 4, of the Optional Protocol: 263, including 199 in which violations of the Covenant were found;

(b) Declared inadmissible: 242;

(c) Discontinued or withdrawn: 115;

(d) Declared admissible but not yet concluded: 45;

(e) Pending at the pre-admissibility stage: 100.

457. In addition, the secretariat of the Committee has hundreds of communications on file in respect of which the authors have been advised that further information would be needed before their communications could be registered for consideration by the Committee. The authors of a considerable number of additional communications have been informed that their cases will not be submitted to the Committee, as they fall clearly outside the scope of the

Covenant or appear to be frivolous. Other cases, not yet registered, are mentioned in section B below.

458. During the fifty-eighth to sixtieth sessions, the Committee concluded consideration of 24 cases by adopting Views thereon. These are cases Nos. 481/1991 (Jorge Villacrés Ortega v. Ecuador), 526/1993 (Michael and Brian Hill v. Spain) 528/1993 (Michael Steadman v. Jamaica), 529/1993 (Hervin Edwards v. Jamaica), 533/1993 (Harold Elahie v. Trinidad and Tobago), 535/1993 (Lloydell Richards v. Jamaica), 538/1993 (Charles E. Stewart v. Canada), 549/1993 (Francis Hopu and Tepoaitu Bessert V. France), 550/1993 (Robert Faurisson v. France) 552/1993 (Wieslaw Kall v. Poland), 558/1993 (Giosue Canepa v. Canada), 560/1993 (A v. Australia) 561/1993 (Desmond Williams v. Jamaica) 572/1994 (Hezekiah Price v. Jamaica), 587/1994 (Irvine Reynolds v. Jamaica) 607/1994 (Michael Adams v. Jamaica), 612/1995 (Arhuacos v. Colombia), 639/1995 (Trevor Walker and Lawson Richards v. Jamaica), 671/1995 (Jouni E. Länsman et al. v. Finland), 692/1996 (A. R. J. v. Australia), 696/1996 (Peter Blaine v. Jamaica), 702/1996 (Clifford McLawrence v. Jamaica), 707/1996 (Patrick Taylor v. Jamaica) and 708/1996 (Neville Lewis v. Jamaica). The texts of the Views in these 24 cases are reproduced in annex VI.

459. The Committee also concluded consideration of 18 cases by declaring them inadmissible. These are cases Nos. 579/1994 (Klaus Werenbeck v. Australia), 593/1994 (Patrick Holland v. Ireland), 601/1994 (E. J. Drake and C. M. v. New Zealand), 603/1994 (Andres Badu v. Canada), 604/1994 (Joseph Nartey v. Canada), 632/1995 (Herbert Thomas Potter v. New Zealand), 643/1995 (Peter Drobek v. Slovakia), 654/1995 (Kwame Williams Adu v. Canada), 658/1995 (Jacob and Jantina Hendrika van Oord v. the Netherlands), 659/1995 (Brigitte Lang v. Australia), 661/1995 (Paul Triboulet v. France), 674/1995 (Lúdvik Emil Kaaber v. Iceland), 679/1996 (Darwish v. Austria), 698/1996 (Gonzalo Bonelo Sánchez v. Spain), 700/1996 (Trevor L. Jarman v. Australia), 755/1997 (Clarence T. Maloney v. Germany), 758/1997 (José María Gómez Navarro v. Spain) and 761/1997 (Ranjit Singh v. Canada). The texts of these decisions are reproduced in annex VII.

460. During the period under review, 21 communications were declared admissible for examination on the merits. Decisions declaring communications admissible are not made public by the Committee. Procedural decisions were adopted in a number of pending cases (under article 4 of the Optional Protocol or under rules 86 and 91 of the Committee's rules of procedure). The Committee requested Secretariat action in other pending cases.

461. Under the Committee's new rules of procedure, referred to in greater detail in paragraphs 470 and 471 below, the Committee will as a rule decide on admissibility and merits of a communication together in order to expedite the consideration of communications under the Optional Protocol. Communications received before the new rules of procedure were in force will be dealt with under the old rules, according to which admissibility is considered at the first stage.

B. Growth of the Committee's caseload under the Optional Protocol

462. As the Committee has stated in previous reports, the increasing number of States parties to the Optional Protocol and better public awareness of the procedure have led to a growth in the number of communications submitted to the Committee. That increase is not fully reflected in the number of cases that have been registered formally under the Optional Protocol, which has remained

constant at 40-50 each year. That figure would be considerably higher were it not for the fact that many communications have been waiting for registration for a considerable period, up to a year in some cases. In addition to the delay in registering new cases, other than those considered urgent, there is a growing backlog of correspondence awaiting reply which relates to matters other than cases for registration. Much of the correspondence goes back to 1996.

463. The main reason for those delays is that while the actual number of communications has increased, the number of professional staff dealing with communications under the Optional Protocol has decreased in the last two years. The complexity of some complaints and the obligation of staff to ensure that a sufficient number of cases is prepared for the Committee's consideration at each session means that it has not been possible to allocate scarce resources to clear the backlog of unregistered cases and correspondence. The workload of the staff has also been increased by the need to carry out follow-up activities in respect of the 199 cases in which the Committee found violations under the Covenant.

464. The Committee has taken measures to expedite its work on communications, such as dealing with issues of admissibility and merits at the same time. Those measures are, however, unlikely to enable the Committee to overcome all the delays mentioned unless it is supported by a sufficient number of professional Secretariat staff as far as the Optional Protocol is concerned. The Committee notes, in this connection, that an increasing number of communications are being submitted in languages that are not among the working languages of the Secretariat, and expresses its concern that the lack of Secretariat staff fluent in those languages has contributed to delays in the examination of them. The situation with respect to communications submitted in Russian is a matter of particular concern.

465. The Committee, while fully aware of the financial crisis besetting the Organization, nevertheless emphasizes that in accordance with article 36 of the Covenant, it should be guaranteed the necessary resources for the effective performance of all its functions, including the consideration of communications, and that it has a particular need for staff experienced in the various legal systems and with knowledge of the languages of States parties to the Optional Protocol.

C. Approaches to examining communications under the Optional Protocol

1. Special Rapporteur on new communications

466. At its thirty-fifth session, the Committee decided to designate a Special Rapporteur to process new communications as they were received, i.e. between sessions of the Committee. At the Committee's fifty-third session (1995), Mr. Fausto Pocar was designated as Special Rapporteur. In the period covered by the present report, the Special Rapporteur transmitted 46 new communications to the States parties concerned under rule 91 of the Committee's rules of procedure, requesting information or observations relevant to the questions of admissibility. Regarding some communications, the Special Rapporteurs had recommended to the Committee that the communications be declared inadmissible without forwarding them to the State party. In other cases, the Special Rapporteurs had issued requests for interim measures of protection pursuant to rule 86 of the Committee's rules of procedure.

467. At its fifty-fifth session, in 1995, the Committee declared that the competence of the Special Rapporteur to issue, and if necessary to withdraw, requests for interim measures under rule 86 of the rules of procedure would continue until the Working Group on Communications took up the question of admissibility; subsequently, when the Committee was not in session, that competence would be exercised by the Chairman until the Working Group on Communications considered the substance of the case, in consultation where necessary with the Special Rapporteur.

2. Competence of the Working Group on Communications

468. At its thirty-sixth session, the Committee decided to authorize the Working Group on Communications to adopt decisions declaring communications admissible when all five members so agreed. Failing such agreement, the Working Group would refer the matter to the Committee. It could also do so whenever it believed that the Committee itself should decide the question of admissibility. While the Working Group could not adopt decisions declaring communications inadmissible, it might make recommendations in that respect to the Committee. Pursuant to those rules, the Working Group on Communications that met prior to the fifty-eighth, fifty-ninth and sixtieth sessions of the Committee declared 19 communications admissible.

469. At its fifty-fifth session, the Committee decided that each communication would be entrusted to a member of the Committee, who would act as rapporteur for it in the Working Group and in the plenary Committee. In performing that task, the Rapporteur consults the whole of the file, if necessary at the previous session. At the fifty-seventh session, the Committee decided that the Rapporteur responsible for the communication would consider the action to be taken on last-minute information communicated by the author or by the State party.

3. Joinder of admissibility and merits

470. At its sixtieth session (July 1997), the Committee decided, that, as a basic rule, it would join the consideration of admissibility and merits of communications in all cases.

471. Under the new rule 91 of the Committee's rules of procedure, adopted on 1 August 1997, when a new communication has been received the State party will be requested to submit written explanations or statements relating to both admissibility and merits of the communication. Only in exceptional circumstances will the Committee request a State party to address admissibility only. A State party which has received a request for information on admissibility and merits may within two months apply for the communication to be rejected as inadmissible. Such a request, however, will not absolve the State party from the requirement to submit information on the merits within the set time limit unless the Committee, its Working Group or its designated Special Rapporteur decides to extend the time for submission of information on the merits until after the Committee has ruled on admissibility.

D. Individual opinions

472. In its work under the Optional Protocol, the Committee strives to arrive at its decisions by consensus. However, pursuant to rule 94, paragraph 4, of the Committee's rules of procedure, members can add their individual concurring or

dissenting opinions to the Committee's Views. Pursuant to rule 92, paragraph 3, members can append their individual opinions to the Committee's decisions declaring communications inadmissible.

473. During the sessions covered by the present report, individual opinions were appended to the Committee's Views in cases Nos. 526/1993 (Hill v. Spain), 535/1993 (Richards v. Jamaica), 538/1993 (Stewart v. Canada), 549/1993 (Hopu and Bessert v. France), 550/1993 (Faurisson v. France), 552/1993 (Kall v. Poland), 558/1993 (Canepa v. Canada), 560/1993 (A v. Australia), 696/1996 (Blaine v. Jamaica), 702/1996 (McLawrence v. Jamaica) and 708/1996 (Lewis v. Jamaica). An individual opinion was also appended to the Committee's decision declaring communication No. 643/1995 (Drobek v. Slovakia) inadmissible.

E. Issues considered by the Committee

474. A review of the Committee's work under the Optional Protocol from its second session in 1977 to its fifty-seventh session in 1995 can be found in the Committee's annual reports for 1984 to 1996, which, inter alia, contain summaries of the procedural and substantive issues considered by the Committee and of the decisions taken. The full texts of the Views adopted by the Committee and of its decisions declaring communications inadmissible under the Optional Protocol have been reproduced regularly in annexes to the Committee's annual reports to the General Assembly.

475. Two volumes containing selected decisions of the Human Rights Committee under the Optional Protocol, from the second to the sixteenth sessions (1977-1982) and from the seventeenth to the thirty-second sessions (1982-1988), have been published (CCPR/C/OP/1 and 2).

476. The following summary reflects further developments on issues considered during the period covered by the present report.

1. Procedural issues

(a) Claim not substantiated, under article 2 of the Optional Protocol

477. Article 2 of the Optional Protocol provides that "individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration".

478. Although an author does not need to prove the alleged violation at the admissibility stage, he must submit sufficient evidence substantiating his allegation for purposes of admissibility. A "claim" is, therefore, not just an allegation, but an allegation supported by a certain amount of substantiating evidence. In cases where the Committee finds that the author has failed to substantiate his claim for purposes of admissibility, the Committee has held the communication inadmissible, under rule 90 (b) of its rules of procedure, declaring that the author "has no claim under article 2 of the Optional Protocol".

479. Cases declared inadmissible, inter alia, for lack of substantiation of the claim or failure to advance a claim are communications Nos. 579/1994 (Werenbeck v. Australia), 601/1994 (Drake v. New Zealand), 632/1995 (Potter v. New Zealand), 643/1995 (Drobek v. Slovakia), 654/1995 (Adu v. Canada), 658/1995 (van Oord v. the Netherlands), 659/1995 (Lang v. Australia), 698/1996

(Bonelo Sánchez v. Spain), 700/1996 (Jarman v. Australia), 755/1997 (Maloney v. Germany), 758/1997 (Gómez Navarro v. Spain) and 761/197 (Singh v. Canada).

(b) Claims not compatible with the provisions of the Covenant (Optional Protocol, art. 3)

480. Communications must raise an issue concerning the application of the Covenant. In its work under the Optional Protocol, the Committee has on several occasions had to point out that it is not an appeal instance intended to review or reverse decisions of domestic courts and that it cannot be used as a forum for pursuing a complaint on the basis of domestic law. Communications based on a clearly erroneous interpretation of the Covenant, or where the facts as presented do not raise issues under the articles of the Covenant invoked by the author, are declared inadmissible under article 3 of the Optional Protocol as incompatible with the provisions of the Covenant.

481. Cases declared inadmissible, inter alia, for incompatibility with the provisions of the Covenant are communications Nos. 579/1994 (Werenbeck v. Australia), 601/1994 (Drake v. New Zealand), 658/1995 (van Oord v. the Netherlands), 661/1995 (Triboulet v. France), 679/1996 (Darwish v. Austria) and 761/1997 (Singh v. Canada).

(c) The requirement of exhaustion of domestic remedies (Optional Protocol, art. 5, para. 2 (b))

482. Pursuant to article 5, paragraph 2 (b), of the Optional Protocol, the Committee shall not consider any communication unless it has ascertained that the author has exhausted all available domestic remedies. However, the Committee has already established that the rule of exhaustion applies only to the extent that those remedies are effective and available. The State party is required to give "details of the remedies which it submitted had been available to the author in the circumstances of his case, together with evidence that there would be a reasonable prospect that such remedies would be effective" (case No. 4/1977 (Torres Ramírez v. Uruguay)). The rule also provides that the Committee is not precluded from examining a communication if it is established that the application of the remedies in question is unreasonably prolonged. In certain cases, a State party may waive before the Committee the requirement of exhaustion of domestic remedies. In the period covered by the present report, communications Nos. 593/1994 (Holland v. Ireland), 603/1994 (Badu v. Canada), 604/1994 (Nartey v. Canada), 632/1995 (Potter v New Zealand), 654/1995 (Adu v. Canada), 661/1995 (Triboulet v. France), 674/1995 (Kaaber v. Iceland), 679/1996 (Darwish v. Austria) and 755/1997 (Maloney v. Germany) were declared inadmissible for failure to pursue available and effective domestic remedies.

(d) Inadmissibility ratione temporis

483. As at its previous sessions, the Committee has had to consider communications relating to events which occurred before the entry into force of the Optional Protocol for the State concerned. In cases of this type, the admissibility criterion applied by the Committee is whether the events in question have, since the entry into force of the Optional Protocol, had persistent effects which in themselves constitute violations of the Covenant.

484. In the period covered by the present report, the Committee considered this question in communication Nos. 579/1994 (Werenbeck v. Australia) and 601/1994 (Drake v. New Zealand) and reiterated its jurisprudence that in the absence of continuing effects it is precluded from considering claims concerning events

which happened after the entry into force of the Covenant but before the entry into force of the Optional Protocol for the State party concerned.

(e) Interim measures under rule 86

485. Under rule 86 of the Committee's rules of procedure, the Committee may, after receipt of a communication and before adopting its Views, request a State party to take interim measures in order to avoid irreparable damage to the victim of the alleged violations. The Committee has applied this rule on several occasions, mostly in cases submitted by or on behalf of persons who have been sentenced to death and are awaiting execution and who claim that they were denied a fair trial. In view of the urgency of the communications, the Committee has requested the States parties concerned not to carry out the death sentences while the cases are under consideration. Stays of execution have specifically been granted in this connection. Rule 86 has also been applied in other circumstances, for instance in cases of imminent deportation or extradition. For the Committee's reasoning whether or not to issue a request under rule 86, see the Committee's Views in communication No. 558/1993 (Canepa v. Canada) (annex VI (sect. K, para. 7)).

2. Substantive issues

(a) Right to life (Covenant, art. 6)

486. Article 6, paragraph 1, of the Covenant, protects the right to life. In General Comment 6 [16] the Committee has expressed its view that States parties should take specific and effective measures to prevent the disappearance of individuals and establish effective facilities and procedures to investigate, thoroughly and by an appropriate and impartial body, cases of missing persons and enforced disappearances in circumstances that may involve a violation of the right to life. In case No. 612/1995 (Arhuacos v. Colombia), the Committee found a violation of article 6, paragraph 1, because the State party was held responsible for the disappearance of the individuals on whose behalf the communications had been submitted.

487. Article 6, paragraph 2, provides that a sentence of death may be imposed only for the most serious crimes and if not contrary to the provisions of the Covenant. Thus, a nexus is established between the imposition of a sentence of death and observance by State authorities of guarantees under the Covenant. Accordingly, in cases where the Committee found that the State party had violated article 14 of the Covenant, in that the author had been denied a fair trial and appeal, the Committee held that the imposition of the sentence of death also entailed a violation of article 6. In its Views in case No. 528/1993 (Michael Steadman v. Jamaica), the Committee observed the following:

> "The Committee is of the opinion that the imposition of a sentence of death upon conclusion of a trial in which the provisions of the Covenant have not been respected constitutes, if no further appeal against the sentence is possible, a violation of article 6 of the Covenant. As the Committee noted in its General Comment 6(16), the provision that a sentence of death may be imposed only in accordance with the law and not contrary to the provisions of the Covenant implied that 'the procedural guarantees therein prescribed must be observed, including the right to a fair hearing by an independent tribunal, the presumption of innocence, the minimum guarantees for the defence, and the right to review of conviction and sentence by a higher tribunal'" (annex VI, sect. C, para. 10.4).

488. Having concluded that the final sentence of death had been imposed after a trial that failed to comply fully with the requirements of article 14, the Committee found that the right protected by article 6 had been violated. The Committee reached a similar conclusion in communications Nos. 535/1993 (Richards v. Jamaica), 572/1994 (Price v. Jamaica), 702/1996 (McLawrence v. Jamaica) and 707/1996 (Taylor v. Jamaica).

489. In case No. 692/1996 (A. R. J. v. Australia), the Committee had to determine whether the author's deportation from Australia to Iran, after having served a sentence of imprisonment in Australia for illegal importation of two kilograms of cannabis resin, exposed him to a real risk of a violation of his rights under the Covenant. The author had argued that he would face the death penalty in Iran, when deported by Australia. The State party had refuted the author's allegation. On the basis of the information before it, the Committee found that the author's deportation would not entail a violation of article 6.

(b) The right not to be subjected to torture or to cruel, inhuman or degrading treatment (Covenant, art. 7)

490. Article 7 of the Covenant provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

491. In case No. 612/1995 (Arhuacos v. Colombia), three indigenous leaders had disappeared and were later found dead. The Committee found a violation of article 7 because of the use of torture before the victims were assassinated. In the same case, a further violation of article 7 was found because of the ill-treatment of two other victims.

492. In case No. 587/1994 (Reynolds v. Jamaica), the complainant had suffered injuries as a result of ill-treatment by warders and soldiers while on death row. In the absence of any information from the State party, the Committee concluded that the complainant had been treated in a way contrary to article 7 of the Covenant. The Committee made a similar finding in case No. 607/1994 (Adams v. Jamaica).

493. In case No. 481/1991 (Villacrés Ortega v. Ecuador), the author had suffered injuries because of ill-treatment by prison personnel following an escape attempt by his cell mates. The Committee concluded that the treatment amounted to cruel and inhuman treatment, in violation of article 7 of the Covenant.

494. In case No. 529/1993 (Edwards v. Jamaica), the Committee found a violation of article 7 of the Covenant because of the length of time during which the author had been held in conditions of detention, violating the requirements of article 10, paragraph 1.

495. In its jurisprudence regarding claims that a prolonged stay on death row constitutes cruel, inhuman and degrading treatment, the Committee has consistently held that the facts and circumstances of each case must be examined to see whether an issue under article 7 arises and that, in the absence of further compelling circumstances, prolonged judicial proceedings do not per se constitute that kind of treatment. In its Views in case No. 588/1994 (Errol Johnson v. Jamaica), which were adopted at the Committee's fifty-sixth session, the Committee examined in greater detail the implications of holding the length of detention on death row, per se, to be in violation of articles 7 and 10.[6] In the period covered by the present report, the Committee confirmed its jurisprudence in cases Nos. 529/1993 (Edwards v. Jamaica) and 607/1994 (Adams v. Jamaica).

496. In case No. 692/1996 (A. R. J. v. Australia), the Committee found that the author's deportation from Australia to Iran would not expose him to the necessary and foreseeable consequence of treatment that would violate article 7.

(c) Liberty and security of person (Covenant, art. 9)

497. Article 9, paragraph 1, of the Covenant guarantees to everyone the right to liberty and security of person and provides that no one shall be subjected to arbitrary arrest or detention or be deprived of his liberty except on such grounds and in accordance with such procedure as established by law.

498. In case No. 560/1993 (A v. Australia), the applicant, a refugee claimant from Cambodia who had arrived illegally in Australia in November 1989, was arrested upon arrival and kept in detention until January 1994. In its Views, the Committee recalled that the notion of "arbitrariness" must not be equated with "against the law" but be interpreted broadly to include elements like appropriateness and injustice. The Committee rejected the author's claim that it is arbitrary per se to detain individuals requesting asylum. However, the Committee observed that:

> "every decision to keep a person in detention should be open to review periodically so that the grounds justifying the detention can be assessed. In any event, detention should not continue beyond the period for which the State can provide appropriate justification. For example, the fact of illegal entry may indicate a need for investigation and there may be other factors particular to the individual, such as the likelihood of absconding and lack of cooperation, which may justify detention for a period. Without such factors detention may be considered arbitrary, even if entry was illegal" (annex VI, sect. L, para. 9.4).

In the circumstances, since the State party had not advanced any grounds particular to the applicant to justify his continued detention, the Committee found that article 9, paragraph 1, had been violated.

499. Article 9, paragraph 3, provides, inter alia, that anyone arrested on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power. The Committee found violations of this provision in cases Nos. 702/1996 (McLawrence v. Jamaica) and 707/1996 (Taylor v. Jamaica).

500. Article 9, paragraph 3, provides also that it shall not be the general rule that persons awaiting trial be kept in custody. In case No. 526/1993 (Hill v. Spain), the applicants were foreigners and had been refused bail. The Committee considered that the mere fact that an accused is a foreigner does not of itself imply that he may be held in detention pending trial. In the absence of any justification for the lengthy pre-trial detention, the Committee concluded that article 9, paragraph 3, had been violated. The Committee also found violations of this provision in cases Nos. 533/1993 (Elahie v. Trinidad and Tobago), 639/1995 (Richards and Walker v. Jamaica), 702/1996 (McLawrence v. Jamaica), 707/1996 (Taylor v. Jamaica) and 708/1996 (Lewis v. Jamaica).

501. Article 9, paragraph 4, provides every person deprived of his liberty with the right to take proceedings before the Court in order that it may decide on the lawfulness of his detention. In case No. 560/1993 (A v. Australia), the author's detention was based on a provision in the law which defined the author and others in a similar situation as "designated persons". The law stipulated that no court was to order the release from custody of a designated person. Although the court retained the power to order a person's release if it found

the detention to be unlawful under Australian law, the effective role of the court was limited to an assessment whether or not the individual was a "designated person". The Committee observed that:

> "If the criteria for such determination were met, the courts had no power to review the continued detention of an individual and to order his/her release. In the Committee's opinion, court review of the lawfulness of detention under article 9, paragraph 4, which must include the possibility of ordering release, is not limited to mere compliance of the detention with domestic law. While domestic legal systems may institute differing methods for ensuring court review of administrative detention, what is decisive for the purposes of article 9, paragraph 4, is that such review is, in its effects, real and not merely formal. By stipulating that the court must have the power to order release 'if the detention is not lawful', article 9, paragraph 4, requires that the court be empowered to order release, if the detention is incompatible with the requirements in article 9, paragraph 1, or in other provisions of the Covenant. This conclusion is supported by article 9, paragraph 5, which obviously governs the granting of compensation for detention that is 'unlawful' either under the terms of domestic law or within the meaning of the Covenant" (annex VI, sect. L, para. 9.5).

The Committee concluded that in the instant case, article 9, paragraph 4, had been violated.

(d) Treatment during imprisonment (Covenant, art. 10)

502. Article 10, paragraph 1, prescribes that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. The Committee found that the conditions under which prisoners were held amounted to a violation of article 10, paragraph 1, in cases Nos. 526/1993 (Hill v. Spain), 529/1993 (Edwards v. Jamaica), 533/1993 (Elahie v. Trinidad and Tobago), 607/1994 (Adams v. Jamaica), 639/1995 (Richards and Walker v. Jamaica), 696/1996 (Blaine v. Jamaica), 707/1996 (Taylor v. Jamaica) and 708/1996 (Lewis v. Jamaica).

503. In case No. 708/1996 (Lewis v. Jamaica), the Committee found also a violation of paragraph 2 (a) of article 10 of the Covenant because it was uncontested that the author had been kept in pre-trial detention in a cell with convicted prisoners.

(e) Right to enter one's own country (Covenant, art. 12, para. 4)

504. Article 12, paragraph 4, of the Covenant provides that no one shall be arbitrarily deprived of the right to enter his own country. In case No. 538/1993 (Stewart v. Canada), the Committee considered the scope of the term "his own country". The applicant in the case was a British citizen who had immigrated to Canada with his family in 1967 at the age of seven and was ordered deported in 1990 because of his criminal record. The Committee noted that the scope of the phrase "his own country" is broader than the concept "country of nationality". Taking into account the wording of article 13 of the Covenant, which applies to "an alien lawfully in the territory of a State party", the Committee observed that "his own country" as a concept applies to individuals who are nationals and to certain categories of individuals who, while not being nationals in a formal sense, are also not "aliens" within the meaning of article 13.

505. The Committee thus considered that the protection of article 12, paragraph 4, was not limited to nationals but also embraces "an individual who, because of his special ties to or claims in relation to a given country cannot there be considered to be a mere alien". The Committee then observed that:

> "the question in the present case is whether a person who enters a given State under that State's immigration laws, and subject to the conditions of those laws, can regard that State as his own country when he has not acquired its nationality and continues to retain the nationality of his country of origin. The answer could possibly be positive were the country of immigration to place unreasonable impediments on the acquiring of nationality by new immigrants. But when, as in the present case, the country of immigration facilitates acquiring its nationality, and the immigrant refrains from doing so, either by choice or by committing acts that will disqualify him from acquiring that nationality, the country of immigration does not become 'his own country' within the meaning of article 12, paragraph 4, of the Covenant. In this regard it is to be noted that while in the drafting of article 12, paragraph 4, of the Covenant the term 'country of nationality' was rejected, so was the suggestion to refer to the country of one's permanent home" (annex VI, sect. G, para. 12.5).

The Committee concluded that in the applicant's case, Canada could not be regarded as "his own country" for the purposes of article 12, paragraph 4, of the Covenant. Six members of the Committee appended dissenting opinions.

506. Case No. 558/1993 (Canepa v. Canada) concerned similar issues and was decided along the same line. Three members of the Committee appended a dissenting opinion.

(f) Guarantees of a fair trial (Covenant, art. 14)

507. Article 14, paragraph 1, provides the right to equality before the courts and the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. In case No. 535/1993 (Richards v. Jamaica), the applicant had pleaded guilty to a charge of manslaughter, after which the prosecution entered a nolle prosequi. The author was subsequently charged with murder, tried, convicted and sentenced to death. The Committee observed:

> "that the Prosecutor in the instant case was fully aware of the circumstances of Mr. Richards' case and had agreed to accept his manslaughter plea. The nolle prosequi was used not to discontinue proceedings against the author but to enable a fresh prosecution against the author to be initiated immediately, on exactly the same charge in respect of which he had already entered a plea of guilty to manslaughter, a plea which had been accepted. Thus, its purpose and effect were to circumvent the consequences of that plea, which was entered in accordance with the law and practice of Jamaica. In the Committee's opinion, the resort to a nolle prosequi in such circumstances, and the initiation of a further charge against the author were incompatible with the requirements of a fair trial within the meaning of article 14, paragraph 1, of the Covenant" (annex VI, sect. F, para. 7.2).

Two members of the Committee disagreed with the Committee's finding and appended an individual dissenting opinion.

508. In case No. 707/1996 (Taylor v. Jamaica), the Committee recalled that the determination of rights in the Constitutional Court must conform with the

requirements of a fair hearing in accordance with article 14, paragraph 1. In the particular case, the author had been sentenced to death and no legal aid was available to him for the filing of a constitutional motion to seek review of irregularities during his trial. In the circumstances, the Committee considered that the requirement of fair hearing should be consistent with the principles in article 14, paragraph 3 (d), and concluded that there had been a violation of article 14, paragraph 1.

509. Article 14, paragraph 3 (b), provides that, in the determination of any criminal charge against him, everyone is entitled to have adequate time and facilities to prepare his defence and to communicate with counsel of his own choosing. Paragraph 3 (d) provides that everyone is entitled to defend himself in person or through legal assistance, which should be provided free of charge where the interests of justice so require. In case No. 528/1993 (Steadman v. Jamaica), counsel for the accused had conceded at the appeal hearing that his client's case had no merit. The Committee considered that while article 14, paragraph 3 (d), did not entitle the accused to choose counsel provided to him free of charge, the Court should ensure that the conduct of the case by the lawyer is not incompatible with the interests of justice. In a capital case, when counsel for the accused concedes that there is no merit in the appeal, the Court should ascertain whether counsel has consulted with the accused and informed him accordingly. If not, the Court must ensure that the accused is so informed and given an opportunity to engage other counsel. In the circumstances, the Committee found a violation of article 14, paragraph 3 (b) and (d) (see annex VI, sect. C, para. 10.3).

510. A similar violation was found in case No. 572/1994 (Price v. Jamaica).

511. Article 14, paragraph 3 (c), gives every accused person the right to be tried without undue delay. Violations of this provision were found in cases Nos. 526/1993 (Hill v. Spain) (three years between charge and hearing of appeal), 528/1993 (Steadman v. Jamaica) (26 months between preliminary enquiry and trial), 533/1993 (Elahie v. Trinidad and Tobago) (seven years and eight months between arrest and conviction), 561/1993 (Williams v. Jamaica) (more than two years between arrest and trial), 639/1995 (Richards and Walker v. Jamaica) (30 months between conviction and the hearing of the appeal), 702/1996 (McLawrence v. Jamaica) (31 months between conviction and appeal) and 707/1996 (Taylor v. Jamaica) (28 months between arrest and trial).

512. Article 14, paragraph 3 (d), provides that an accused has the right to defend himself in person or through legal counsel of his own choosing. In case No. 526/1993 (Hill v. Spain), the Court had denied the applicant's request to defend himself in person, without representation. The Committee found that this violated article 14, paragraph 3 (d).

(g) Right not to be subjected to arbitrary or unlawful interference with family (Covenant, art. 17)

513. The right to family is protected by article 17, which also encompasses the right to privacy, and by article 23. In case No. 549/1993 (Hopu and Bessart v. France), the authors (ethnic Polynesians) protested against the building of a hotel complex on their ancestral burial grounds, where, they claimed, family members were buried. The Committee observed:

> "that the objectives of the Covenant require that the term 'family' be given a broad interpretation so as to include all those comprising the family as understood in the society in question. It follows that cultural

> traditions should be taken into account when defining the term 'family' in a specific situation" (annex VI, sect. H, para. 10.3).

On the basis of the information before it, the Committee concluded that there had been arbitrary interference with the authors' right to family and privacy. Several Committee members appended dissenting opinions with regard to that finding.

(h) The right to freedom of opinion and of expression (Covenant, art. 19)

514. Article 19 guarantees freedom of opinion and expression. In case No. 550/1993 (Faurisson v. France), the applicant had been convicted under the "Gayssot Act", Law No. 90-615 of 13 July 1990, which makes it a criminal offence to challenge the existence of one or more crimes against humanity as defined by article 6 of the statute of the International Military Tribunal annexed to the London Agreement of 8 August 1945 and which have been committed either by members of an organization which was declared criminal in application of article 9 of that statute, or by a person found guilty of those crimes by a French or international jurisdiction. The Committee expressed its concern that the application of the terms of the Gayssot Act might lead to decisions or measures incompatible with the Covenant, but it concluded that in the case of Mr. Faurisson such incompatibility had not occurred. The Committee observed that:

> "To assess whether the restrictions placed on the author's freedom of expression by his criminal conviction were applied for the purposes provided for by the Covenant, the Committee begins by noting, as it did in its General Comment 10 that the rights for the protection of which restrictions on the freedom of expression are permitted by article 19, paragraph 3, may relate to the interests of other persons or to those of the community as a whole. Since the statements made by the author, read in their full context, were of a nature as to raise or strengthen anti-Semitic feelings, the restriction served the respect of the Jewish community to live free from fear of an atmosphere of anti-Semitism. The Committee therefore concludes that the restriction of the author's freedom of expression was permissible under article 19, paragraph 3 (a), of the Covenant" (annex VI, sect. I, para. 9.6).

Seven Committee members appended separate concurring opinions.

(i) Right to have access, on general terms of equality, to public service (Covenant, art. 25 (c))

515. Article 25, paragraph 2 (c), provides that every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 of the Covenant and without unreasonable restrictions, to have access, on general terms of equality, to public service in his or her country. In case No. 552/1993 (Kall v. Poland), the author was retroactively classified as a Security Police officer and then dismissed as a result of the dissolution of the Security Police. After the subsequential verification proceedings, he was found eligible for a post with the Police. When he applied, he was refused because of the limited number of posts available. The Committee observed that article 25 (c) does not entitle every citizen to obtain employment within the civil service and found that the facts before it did not disclose a violation of the Covenant. Two members of the Committee appended a dissenting opinion.

(j) The rights of persons belonging to minorities (Covenant, art. 27)

516. Article 27 of the Covenant protects the rights of minorities. In case No. 671/1995 (Länsman et al. v. Finland), the Committee was requested to decide whether logging in an area which the authors used for reindeer husbandry violated their rights under article 27. The Committee reaffirmed that economic activities may come within the ambit of article 27, if they are an essential element of the culture of a minority. The Committee recalled that measures which have a certain limited impact on the way of life and livelihood of persons belonging to a minority do not necessarily amount to a denial of the rights under article 27. On the basis of all the evidence before it, the Committee concluded that the impact of the logging in the instant case would not be such as to amount to a denial of the authors' rights under article 27. As regards future logging plans, the Committee pointed out that:

> "the State party must bear in mind, when taking steps affecting the rights under article 27, that although different activities in themselves may not constitute a violation of this article, such activities, taken together, may erode the rights of Sami people to enjoy their own culture" (annex VI, sect. 5, para. 10.7).

F. Remedies called for under the Committee's Views

517. After the Committee has made a finding on the merits - its "Views" under article 5, paragraph 4, of the Optional Protocol - of a violation of a provision of the Covenant, it proceeds to ask the State party to take appropriate steps to remedy the violation, such as providing adequate compensation for the violations suffered. When recommending a remedy, the Committee observes that:

> "Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views." (See the Committee's Views in cases Nos. 481/1991 (Villacrés Ortega v. Ecuador), 526/1993 (Hill v. Spain), 528/1993 (Steadman v. Jamaica) 529/1993 (Edwards v. Jamaica), 533/1993 (Elahie v. Trinidad and Tobago), 535/1993 (Richards v. Jamaica), 549/1993 (Hopu and Bessert v. France), 560/1993 (A v. Australia), 561/1993 (Williams v. Jamaica), 572/1994 (Price v. Jamaica), 587/1994 (Reynolds v. Jamaica), 607/1994 (Adams v. Jamaica), 612/1995 (Arhuacos v. Colombia), 639/1995 (Richards and Walker v. Jamaica), 696/1996 (Blaine v. Jamaica), 702/1996 (McLawrence v. Jamaica), 707/1996 (Taylor v. Jamaica) and 708/1996 (Lewis v. Jamaica) in annex VI.)

The Compliance by States with these requests for information is monitored by the Committee through its follow-up procedure, (as described in chapter VIII of the present report.

VIII. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

518. From its seventh session, in 1979, to its sixtieth, in July 1997, the Human Rights Committee has adopted 263 Views on communications received and considered under the Optional Protocol. The Committee has found violations in 199 of them.

519. During its thirty-ninth session (July 1990), the Committee established a procedure whereby it can monitor the follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and it created the mandate of a Special Rapporteur for the Follow-Up on Views.[7] Beginning with the Committee's fifty-ninth session, Mr. Prafullachandra Natwarlal Bhagwati assumed the duties of Special Rapporteur for the Follow-Up on Views.

520. During its fifty-first session, the Committee adopted rule of procedure 95, which spells out the mandate of the Special Rapporteur.[8]

521. The Special Rapporteur began to request follow-up information from States parties in 1991. Follow-up information has systematically been requested in respect of all Views with a finding of a violation of the Covenant. At the beginning of the Committee's sixtieth session, follow-up information had been received in respect of 125 Views. No information had been received in respect of 58 Views; in 16 cases, the deadline for receipt of follow-up information had not yet expired. In many instances, the Secretariat has also received information from authors to the effect that the Committee's Views had not been implemented. Conversely, in some rare instances, the author of a communication has informed the Committee that the State party had given effect to the Committee's recommendations, although the State party had not itself provided that information.

522. Attempts to categorize follow-up replies are necessarily imprecise. By the beginning of the sixtieth session, roughly 30 per cent of the replies received could be considered satisfactory in that they display the State party's willingness to implement the Committee's Views or to offer the applicant an appropriate remedy. Many replies simply indicate that the victim has failed to file a claim for compensation within statutory deadlines and that, therefore, no compensation can be paid to the victim. Other replies cannot be considered satisfactory in that they either do not address the Committee's recommendations at all or merely relate to one aspect of them.

523. The remainder of the replies either explicitly challenge the Committee's findings, on either factual or legal grounds, constitute much belated submissions on the merits of the case, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

524. A country-by-country breakdown of follow-up replies received or requested and outstanding as of 30 June 1997 provides the following picture (Views in which the deadline for receipt of follow-up information had not yet expired have not been included):

Argentina:	One decision finding violations: 400/1990 - Monaco de Gallicchio (1994 Report of the Committee);[9] for follow-up reply, see 1996 Report,[10] para. 455.
Australia:	One decision finding violations: 488/1992 - Toonen (1994 Report);[9] for follow-up reply, see 1996

	Report,[10] para. 456. The laws in question have now been repealed.
Austria:	One decision finding violations: 415/1990 - Pauger (1992 Report);[4] State party follow-up reply dated 11 August 1992, unpublished, indicates that no compensation can be paid to author for lack of specific enabling legislation.
Bolivia:	Two Views finding violations: 176/1984 - Peñarrieta et al. (1988 Report);[11] 336/1988 - Bizouarn and Fillastre (1992 Report);[4] follow-up replies dated 8 and 23 April 1997 have been received (see below, paras. 529-531).
Cameroon:	One decision finding violations: 458/1991 - Mukong (1994 Report);[9] State party follow-up reply remains outstanding. Follow-up consultations with the Permanent Mission of Cameroon were held during the sixtieth session (see below, para. 532).
Canada:	Six Views finding violations: 24/1978 - Lovelace (Selected decisions, vol. 1);[12] for State party follow-up reply, see Selected decisions, vol. 2, annex I);[13] 27/1978 - Pinkney (Selected decisions, vol. 1); no State party follow-up reply received; 167/1984 - Ominayak (1990 Report);[14] State party follow-up reply, dated 25 November 1991, unpublished; 359/1989 and 385/1989 - Davidson and McIntyre (1993 Report);[15] State party follow-up reply, dated 2 December 1993, unpublished; 469/1991 - Ng (1994 Report);[9] State party follow-up reply, dated 3 October 1994, unpublished.
Central African Republic:	One decision finding violations: 428/1990 - F. Bozize (1994 Report);[9] for State party's follow-up reply, see 1996 Report,[10] para. 457.
Colombia:	Eight Views finding violations: 45/1979 - Suarez de Guerrero, 46/1979 - Fals Borda, and 64/1979 - Salgar de Montejo (in Selected decisions, vol. 1);[12] 161/1983 - Herrera Rubio (1988 Report);[11] 181/1984 - San Juan Arévalo and 195/1985 - Delgado Paez (1990 Report);[14] 514/1992 - Sandra Fei (1995 Report);[16] 563/1993 - Bautista de Arellana (1996 Report);[10] State party's follow-up reply, dated 21 April 1997, indicates that enabling Law No. 288 of 1996 is being applied to all cases; see also 1996 Report, paras. 439-441, and below, paras. 533-535.
Czech Republic	Two Views finding violations: 516/1992 - Simunek et al. (1995 Report);[16] 586/1994 - Adam (1996 Report).[10] For State party's follow-up replies, see 1996 Report, para. 458. One author (in case No. 516/1992) has confirmed that Committee's recommendations were implemented, the others complain that their property was not restituted or that they were not compensated.

Democratic Republic of the Congo (formerly Zaire): 11 Views finding violations: 16/1977 - Mbengue, 90/1981 - Luyeye, 124/1982 - Muteba, 138/1983 - Mpandanjila et al., 157/1983 - Mpaka Nsusu; and 194/1985 - Miango (Selected decisions, vol. 2);[13] 241/1987 and 242/1987 - Birindwa and Tshisekedi (1990 Report);[14] 366/1989 - Kanana (1994 Report);[9] 542/1993 - Tshishimbi (1996 Report).[10] No State party follow-up reply has been received in respect of any of the above cases, in spite of two reminders addressed to the State party.

Dominican Republic: Three Views finding violations: 188/1984 - Portorreal (Selected decisions, vol. 2);[13] for State party's follow-up reply, see 1990 Report,[14] vol. II, annex XII; 193/1985 - Giry (1990 Report); 449/1991 - Mójica (1994 Report);[9] State party's follow-up reply in the latter two cases has been received but is incomplete in respect of case No. 193/1985. Follow-up consultations with the Permanent Mission of the Dominican Republic were conducted during the fifty-seventh and fifty-ninth sessions (see para. 538 below).

Ecuador: Four Views finding violations: 238/1987 - Bolanos (1989 Report);[17] for State party's follow-up reply, see 1990 Report,[14] vol. II, annex XII B; 277/1988 - Teran Jijon (1992 Report);[4] follow-up reply, dated 11 June 1992, unpublished; 319/1988 - Canon Garcia (1992 Report); 480/1991 - Fuenzalida (1996 Report);[10] State party's follow-up reply in the latter two cases remains outstanding. Follow-up consultations with the Permanent Mission of Ecuador were to be conducted during the sixty-first session.

Equatorial Guinea: Two Views finding violations: 414/1990 - Primo Essono and 468/1991 - Oló Bahamonde (1994 Report).[9] State party's follow-up reply remains outstanding in both cases, in spite of follow-up consultations with the Permanent Mission of Equatorial Guinea during the fifty-sixth and fifty-ninth sessions (see 1996 Report,[10] paras. 442-444, and below, para. 539).

Finland: Four Views finding violations: 265/1987 - Vuolanne (1989 Report);[17] for State party's follow-up reply, see 1989 Report, para. 657 and annex XII; 291/1988 - Torres (1990 Report);[14] for State party's follow-up reply, see 1990 Report, vol. II, annex XII; 387/1989 - Karttunen (1993 Report);[15] no follow-up reply received in respect of this case; 412/1990 - Kivenmaa (1994 Report);[9] State party's preliminary follow-up reply, dated 13 September 1994, unpublished.

France: One decision finding violations: 196/1985 - Gueye et al. (1989 Report);[17] for State party's follow-up reply, see 1996 Report,[10] para. 459.

Hungary: Two Views finding violations: 410/1990 - Parkanyi (1992 Report);[4] State party's follow-up reply, dated 4 February 1993, unpublished, indicates that compensation cannot be paid to the author due to lack of specific enabling legislation; 521/1992 - Kulomin (1996 Report);[10] for State party's follow-up reply, see below, para. 540).

Jamaica: 48 Views finding violations: 9 detailed follow-up replies received, all indicating that State party will not implement the Committee's recommendations; 26 follow-up replies, or "standardized" replies, indicating merely that author's death sentence has been commuted on the basis of reclassification of the offence or as a result of the Privy Council judgement of 2 November 1993 in Pratt and Morgan. No follow-up replies in 13 cases. Follow-up consultations with the State party's representatives to the United Nations were conducted during the fifty-third, fifty-fifth, fifty-sixth and sixtieth sessions. Prior to the Committee's fifty-fourth session, the Special Rapporteur for the Follow-up on Views conducted a follow-up fact-finding mission to Jamaica (see 1995 Report,[16] paras. 557-562).

Libyan Arab Jamahiriya: One decision finding violations: 440/1990 - El Megreisi (1994 Report);[9] State party's follow-up reply remains outstanding. Author has informed the Committee that his brother was released in March 1995. Compensation outstanding.

Madagascar: Four Views finding violations: 49/1979 - Marais, 115/1982 - Wight, 132/1982 - Monja Jaona and 155/1983 - Eric Hammel (in Selected decisions, vol. 2).[13] State party's follow-up reply remains outstanding in all four cases; the authors of the two first cases informed the Committee that they were released from detention. Follow-up consultations with the Permanent Mission of Madagascar were held during the fifty-ninth session (see para. 543 below).

Mauritius: One decision finding violations: 35/1978 - Aumeeruddy-Cziffra (Selected decisions, vol. 1);[12] for State party's follow-up reply, see Selected decisions, vol. 2,[13] p. 237).

Netherlands: Four Views finding violations: 172/1984 - Broeks (1987 Report);[18] State party's follow-up report, dated 23 February 1995, unpublished; 182/1984 - Zwaan de Vries (1987 Report);[18] State party's follow-up reply was not published; 305/1988 - van Alphen (1990 Report);[14] for State party's follow-up reply dated 15 May 1991, see 1991 Report,[19] paras. 707 and 708; 453/1991 - Coeriel & Aurick (1995 Report);[16] State party's follow-up reply dated 28 March 1995, unpublished.

Nicaragua: One decision finding violations: 328/1988 - Zelaya Blanco (1994 Report);[9] State party follow-up reply remains outstanding, in spite of reminder addressed to State party in June 1995, and follow-up consultations with the Permanent Mission of Nicaragua during the fifty-ninth session (see para. 544 below).

Panama: Two Views finding violations: 289/1988 - Dieter Wolf (1992 Report);[4] 473/1991 - Barroso (1995 Report).[16] State party follow-up reply remains outstanding, in spite of reminder addressed to it. Follow-up consultations were to be held during the sixtieth session.

Peru: Five Views finding violations: 202/1986 - Ato del Avellanal and 203/1986 - Munoz Hermosa (1989 Report);[17] 263/1987 - González del Rio and 309/1988 - Orihuela Valenzuela (1993 Report);[15] 540/1993 - Celis Laureano (1996 Report);[10] State party follow-up reply remains outstanding. Follow-up replies dated 24 September 1996 indicate that the Committee's recommendations are under review but do not suggest that concrete measures to give effect to them have been taken (see paras. 545 and 546 below).

Republic of Korea: One decision finding violations: 518/1992 - Sohn (1995 Report);[16] State party's follow-up reply remains outstanding (see also 1996 Report,[10] paras. 449 and 450). Follow-up consultations were held during the sixtieth session (see paras. 547 and 548 below).

Senegal: One decision finding violations: 386/1989 - Famara Koné (1995 Report);[16] for State party's follow-up reply, see 1996 Report,[10] para. 461. By letter of 29 April 1997, author confirms that compensation was offered to him but rejects it as inadequate.

Spain: One decision finding violations: 493/1992 - G. J. Griffin (1995 Report);[16] State party's follow-up reply, dated 30 June 1995, unpublished, in fact challenges Committee's findings.

Suriname: Eight Views with findings of violations: 146/1983 and 148-154/1983 - Baboeram et al. (see Selected decisions, vol. 2);[13] State party follow-up reply remains outstanding, in spite of follow-up consultations during the fifty-ninth session (see also 1996 Report,[10] paras. 429 and 451 and para. 549 below).

Togo: Two Views with findings of violations: 422-424/1990 - Aduayom et al. and 505/1992 - K. Ackla (1996 Report).[10] State party's follow-up replies on both Views remain outstanding.

Follow-up consultations were scheduled during the sixty-second session.

Trinidad and Tobago: Six Views finding violations: 232/1987 and 512/1992 - Daniel Pinto (1990 Report[14] and 1996 Report);[10] 362/1989 - Soogrim (1993 Report);[15] 447/1991 - Leroy Shalto (1995 Report);[16] 434/1990 - Lal Seerattan and 523/1992 - Clyde Neptune (1996 Report). State party follow-up replies received in respect of the cases of Pinto, Shalto (unpublished) and Neptune, the follow-up reply concerning the latter case challenging the Committee's findings (see para. 550 below). Follow-up replies on the cases of Soogrim and Seerattan remain outstanding (see also 1996 Report, paras. 429, 452 and 453, and paras. 551 and 552 below).

Uruguay: 45 Views finding violations: 43 follow-up replies, dated 17 October 1991, received but unpublished. Follow-up replies on two Views remain outstanding: 159/1983 - Cariboni (Selected decisions, vol. 2);[13] 322/1988 - Rodriguez (1994 Report);[9] see also 1996 Report,[10] para. 454.

Venezuela: One decision finding violations: 156/1983 - Solorzano (Selected decisions, vol. 2);[13] State party's follow-up reply, dated 21 October 1991, unpublished.

Zambia: Three Views finding violations: 314/1988 - Bwalya and 326/1988 - Kalenga (1994 Report);[9] 390/1990 - Lubuto (1996 Report);[10] State party follow-up reply dated 3 April 1995, unpublished, received in respect of the first two decisions; follow-up reply in respect of case No. 390/1990 remains outstanding.

525. For further information on the status of all the Views in which follow-up information remains outstanding or in respect of which follow-up consultations have been or will be scheduled, reference is made to the follow-up progress report prepared for the sixtieth session of the Committee (CCPR/C/60/R.1, dated 30 June 1997). An overview of the Committee's past experience with the follow-up procedure can be found in the Committee's 1996 Report,[10] paras. 430-433.

Overview of follow-up replies received and of the Special Rapporteur's follow-up consultations during the reporting period

526. The Special Rapporteur for the Follow-Up on Views held consultations with the representatives of 10 States parties to the Covenant and the Optional Protocol during the reporting period. He met with representatives of the Governments of Bolivia, Colombia, the Dominican Republic, Madagascar, Nicaragua, Suriname and Trinidad and Tobago during the fifty-ninth session, and with representatives of the Governments of Cameroon, Jamaica and the Republic of Korea during the sixtieth session. Committee member Mrs. Cecilia Medina Quiroga also met with a representative of the Government of Equatorial Guinea on behalf of the Special Rapporteur during the fifty-ninth session. The Committee regrets that the Special Rapporteur was unable to establish direct contacts with the Permanent Mission of the Democratic Republic of the Congo (formerly Zaire).

527. The Committee expresses its appreciation for the availability of States party delegations for follow-up consultations. It welcomes the follow-up replies that have been received during the reporting period and expresses its appreciation for all the measures taken or envisaged to provide victims of violations of the Covenant with an effective remedy. It encourages all States parties which have addressed preliminary follow-up replies to the Special Rapporteur to conclude their investigations in as expeditious a manner as possible and to inform the Special Rapporteur of their results.

528. The results of the Special Rapporteur's consultations are summarized below, together with the overview of follow-up replies received during the period under review.

529. Bolivia: On 25 March 1997, the Special Rapporteur met with the delegation of Bolivia which presented the third periodic report of Bolivia to the Committee, under article 40 of the Covenant, to discuss the State party's failure to implement the Committee's recommendations on the Views in cases No. 176/1984 (Peñarietta et al.), adopted on 2 November 1987, and No. 336/1988 (Bizouarn and Fillastre), adopted on 5 November 1991. The Special Rapporteur regretted that no replies had been received from the State party, in spite of follow-up consultations held in the summer of 1996; he pointed to government and constitutional changes in recent years, which should prompt the Government to give effect to the Views in the two cases. The State party's representative promised that follow-up replies would be forwarded as soon as possible; the replies are summarized below.

530. By submission of 8 April 1997 concerning communication No. 176/1984 (Peñarietta et al.), the State party observes that the treatment the authors claim they were subjected to are criminal offences under the Criminal Code of Bolivia, for which the statute of limitations is five years. Civil actions are no longer possible once the statutes of limitations for the criminal offences apply. The State party adds that it has solicited further information on the case from the military tribunal and that any further information will be forwarded to the Committee.

531. By submission of 23 April 1997 concerning the Views on case No. 336/1988 (Bizouarn and Fillastre), the State party submits that the authors of the communication were released from detention on 3 June 1993 and immediately left Bolivia; they have not filed any claim for compensation subsequently. The State party also notes that its domestic legislation governing bail was changed so as to comply with the Committee's finding on article 9, paragraph 2, of the Covenant, and that the judicial system is being reformed in order to avoid future violations of article 9, paragraph 3, of the Covenant.

532. Cameroon: On 16 July 1997 the Special Rapporteur met with the Permanent Representative of Cameroon to discuss the State party's failure, until mid-1997, to implement the Committee's recommendations in the Views on case No. 458/1991 (Mukong), adopted in July 1994. He explained both the Optional Protocol and the follow-up procedure and insisted that the State party was under an obligation to provide the author with some remedy. The Permanent Representative expressed surprise at the Committee's findings on articles 7 and 9, paragraph 1, of the Covenant in the author's case and suggested that the State party might not have been given sufficient opportunity to refute the author's allegations. The Special Rapporteur pointed out that the State party was given full opportunity to provide its observations and, in fact, did make two submissions, and that the Committee adopted its Views after full consideration of all the material. The State party had, by ratifying the Optional Protocol, undertaken to implement the Committee's Views; therefore, the Views expressed by the Committee were binding on the State party. The Permanent Representative stated that he would convey

the Committee's concern to the State party authorities but further indicated that the State party should have some margin of discretion in deciding not only on the amount of compensation to be given to the author, but also on the principle of compensation. Even if compensation were to be paid to the author on an ex gratia basis, that would not necessarily imply an admission of responsibility on the part of the State party.

533. Colombia: On 1 April 1997, the Special Rapporteur met with representatives of Colombia to discuss the follow-up replies given by Colombia to the Committee's Views in several cases decided under the Optional Protocol. The State party representatives recalled that Colombia had enacted enabling legislation in the summer of 1996 (Law No. 288 of 1996 - see the 1996 Report of the Committee,[16] para. 433), which gives legal effect to the Committee's Views, and indicated that a ministerial committee had been established, which had examined the Committee's recommendations in several Views and recommended that compensation be paid.

534. The State party representatives noted that in all those cases in which the Committee had recommended the payment of compensation to victims, the Ministerial Committee had issued favourable recommendations. The Committee's decisions had been notified to the Ministry of Defence, which administers budgetary appropriations for the compensation of victims of human rights violations. Upon the request by the Special Rapporteur for clarification, the State party representatives indicated that a judge cannot question the entitlement of a victim to compensation, but must only determine the amount of compensation. All the author(s) had to do was to provide proof of identity for compensation to be effected. The State party authorities could also resort to notifying authors publicly of their compensation entitlements.

535. On 21 April 1997, Colombia forwarded the following follow-up information to the Committee:

Views on communication No. 45/1979 (Suarez de Guerrero): A ministerial Committee set up pursuant to enabling legislation No. 288/1996 has recommended that compensation be paid to the author.

Views on communication No. 46/1979 (Fals Borda): Given the absence of a specific remedy recommended by the Committee, the Ministerial Committee set up pursuant to enabling legislation No. 288/1996 does not recommend that compensation be paid to the victim.

Views on communication No. 64/1979 (Salgar de Montejo): Given the absence of a specific remedy recommended by the Committee, the Ministerial Committee set up pursuant to enabling legislation No. 288/1996 does not recommend that compensation be paid to the victim.

Views on communication No. 161/1983 (Herrera Rubio): The Ministerial Committee set up under enabling legislation No. 288/1996 has recommended that compensation be paid to the victim.

Views on communication No. 181/1984 (San Juan Arévalo brothers): Given the absence of a specific remedy recommended by the Committee, the Ministerial Committee set up under enabling legislation No. 288/1996 does not recommend that compensation be paid to the family of the victims.

Views on communication No. 195/1985 (Delgado Paez): The Ministerial Committee set up under enabling legislation No. 288/1996 recommended that compensation be paid to the author of the communication.

Views on communication No. 514/1992 (Sandra Fei): The Ministerial Committee set up pursuant to enabling legislation No. 288/1996 does not make a specific finding, as the Committee did not recommend that compensation be paid to the author.

Views on communication No. 563/1993 (Bautista de Arellana): The Ministerial Committee set up pursuant to enabling legislation No. 288/1996 has recommended that compensation be paid to the family of the victim.

536. Czech Republic: By submission of 22 October 1996, the Czech Republic transmitted follow-up information on the Committee's Views on case No. 586/1994 (Adam v. Czech Republic), adopted in July 1996. The State party indicates that the author failed to avail himself of an available remedy at the domestic level. It adds that failure to provide a remedy by national courts is the basic prerequisite for giving effect to a decision rendered by an international body. The State party also notes that its Constitutional Court is the only body competent to rule on the constitutionality of the condition of State citizenship in Act 87/1991 on Extrajudicial Rehabilitation and its possible discriminatory nature, and that it has not, so far, addressed that issue, either in the author's or in any other case.

537. The State party's reply implies that the Czech Republic is not prepared to give effect to the Committee's recommendations, that is, to restitute his property to the author. The Special Rapporteur will require follow-up consultations with the State party, as it is apparent that the State party invokes arguments that it should have raised while the communication was under consideration by the Committee.

538. Dominican Republic: On 3 April 1997, the Special Rapporteur met with the Acting Permanent Representative of the Dominican Republic to the United Nations to discuss the State party's failure to implement the Committee's recommendations on the Views in cases No. 193/1985 (Pierre Giry), adopted on 20 July 1990, and No. 449/1991 (B. Mójica), adopted on 15 July 1994. The State party representative suggested that the Attorney-General's Office was currently preparing a follow-up report on both cases, which would be submitted to the Committee by August 1997; those replies would be forwarded directly from the Attorney-General's office. The Special Rapporteur indicated that the Committee's priority was the follow-up on the recommendations in case No. 449/1991, in which the Committee had specifically requested the State party to investigate the author's disappearance and to grant compensation to his family; he urged the State party to submit its replies in time for the Committee's sixtieth session. The State party's reply, dated 30 July 1997 and relating only to case No. 193/1985, gives no relevant follow-up information. In a voluminous submission dated 15 August 1997 relating to case No. 449/1991, the State party observes that the victim's disappearance was investigated "exhaustively", but that in spite of autopsies of the corpses of some disappeared individuals ordered by the authorities, no proof of the victim's disappearance could be established. The State party adds that the investigations in the case have not been closed and continue.

539. Equatorial Guinea: On 4 April 1997, Committee member Mrs. Cecilia Medina Quiroga met with the Chargé d'affaires of the Permanent Mission of Equatorial Guinea to the United Nations and discussed the State party's failure to follow-up on the Committee's Views on communication No. 414/1990 (Primo Essono), adopted on 8 April 1990, and No. 468/1991 (Oló Bahamonde), adopted on 20 October 1993. The State party representative indicated that he would seek to obtain a follow-up reply from the capital in time for the sixtieth session of the Committee, but, no reply had been received by the end of that session.

540. Hungary: On 22 March 1996, the Committee adopted its Views on communication No. 521/1992 (Vladimir Kulomin), finding a violation of article 9, paragraph 3, of the Covenant. In a submission dated 23 December 1996, the Government of Hungary observes that legislative changes effected in 1990 (that is, after the author's conviction) will ensure that violations of article 9, paragraph 3, similar to that in the author's case will not occur again. It further indicates that the author may be entitled to early release and that the matter will be decided upon by the Hungarian judiciary as appropriate. The State party pledges to keep the Committee informed of further developments in this respect.

541. Jamaica: On 25 July 1997, the Special Rapporteur met with the Minister Counsellor of the Permanent Mission of Jamaica to the United Nations Office at Geneva to discuss the State party's failure to follow up on the Committee's recommendations in a large number of Views adopted in respect of Jamaica. He pointed out that while Jamaica had made progress insofar as submission of information on cases pending under the Optional Protocol was concerned, it had failed to reply to numerous requests for follow-up information formulated in Views adopted since the fifty-sixth session (March-April 1996). The Special Rapporteur explained that the Views adopted in respect of Jamaica could be divided into two categories: those with findings of violations of article 14 of the Covenant, because of procedural deficiencies, and those with findings of a violation of articles 7 and 10, on the grounds of inhuman conditions of detention or ill-treatment of detainees on death row. It was regrettable that the State party had failed to take any measures to effect compensation to the victims in the latter category of cases: it was incumbent upon Jamaica to grant some form of compensation to the victim(s) of violations of articles 7 and 10, even if nominal, and to so inform the Committee. At the same time, while it was understandable that the recommended remedy of release of the victim(s) might be difficult for the Government to implement, the State party should nonetheless provide the Committee with some information about which type of remedy, if any, had been granted to the victim(s).

542. The Minister Counsellor noted that the overwhelming support of the Jamaican population for capital punishment made it difficult for the Jamaican Government to implement the Committee's recommendation(s) asking for release of the victim(s) sentenced to death upon the conclusion of trials considered to have been unfair. She promised to convey the Special Rapporteur's concern regarding the lack of compensation for victims of violations of articles 7 and 10 to the Attorney-General's Office in Kingston; in the latter respect, she considered some positive action on the part of the Government to be possible.

543. Madagascar: On 4 April 1997, the Special Rapporteur met with the Counsellor of the Permanent Mission of Madagascar to the United Nations concerning the State party's failure to implement the Committee's recommendations in its Views, adopted on 3 April 1987, on communication No. 155/1983 (Eric Hammel). He explained the follow-up procedure and insisted that the State party take some form of remedial action to give effect to the Committee's Views, either by amending legislation, granting compensation to the author, or providing another remedy; he further urged that a follow-up reply be made available in time for the Committee's sixtieth session. The State party representative promised to convey the Special Rapporteur's concerns to the capital.

544. Nicaragua: On 2 April 1997, the Special Rapporteur held consultations with the Chargé d'affaires of the Permanent Mission of Nicaragua to the United Nations concerning the State party's failure to implement the Committee's recommendations in the Views, adopted on 20 July 1994, in case No. 328/1988 (Roberto Zelaya Blanco). The Chargé d'affaires noted that the facts at the

basis of the complaint were attributable to the former Government. The Special Rapporteur insisted that the State party was responsible to provide the author with a remedy regardless of which Government was in power. The Chargé d'affaires indicated that as many years had passed since the events at issue, a full investigation into them might not now be possible but that it should be possible to grant compensation to the author. He agreed to seek to obtain a follow-up reply in time for the Committee's sixtieth session; the reply had not been received by the end of that session.

545. Peru: In the case of Peru, where enabling legislation had been enacted in 1985 (see the 1996 Report of the Committee, para. 434), the Committee regrets that the Government of Peru rescinded that enabling legislation in the course of 1996. The Committee expresses regret at the State party's action and urges it to reconsider the measure. During the fifty-seventh session, the Special Rapporteur held follow-up consultations with the Minister of Justice of Peru.

546. By submission of 24 September 1996 concerning the Committee's Views on four Peruvian cases adopted between 1988 and 1992 (No. 202/1986 (Ato del Avellanal), Views adopted on 28 October 1988; No. 203/1986 (Munoz Hermosa), adopted on 4 November 1988; No. 263/1987 (González del Rio), adopted on 28 October 1992; and No. 309/1988 (Orihuela Valenzuela) adopted on 14 July 1993), the Peruvian Government indicates that it is actively investigating the authors' situation in those cases and that the Consejo Nacional de Derechos Humanos, a new body created with a view to improving respect for human rights in Peru, has been involved in attempts to find a solution to those cases. However, the State party does not explain what concrete measures, if any, it has adopted to implement the Committee's recommendations in those cases.

547. Republic of Korea: On 24 July 1997, the Special Rapporteur met with the Permanent Representative of the Republic of Korea to the United Nations Office at Geneva to discuss the State party's follow-up to the Committee's Views on communication No. 519/1992 (Sohn). The Permanent Representative explained that Mr. Sohn had been pardoned in 1993 and that no record of any conviction existed. After the adoption of the Views, the author had, in 1995, filed an action for compensation with the domestic courts. That petition had been rejected in the first and second instance and was currently pending before the Supreme Court of the Republic of Korea, which was expected to hand down its judgement soon. The Permanent Representative further noted that the Committee's interpretation of article 19, paragraph 2, of the Covenant differed from the Government's interpretation and that, accordingly, the domestic law in force at the time of the adoption of the Views and the Committee's interpretation were in conflict. The Korean courts had rejected the author's request for compensation on the ground that his arrest and conviction had been lawful under Korean law. However, a new Trade Union and Labour Relations Adjustment Act that had come into force in March 1997 no longer prohibits third party interference in labour disputes; that legislative change had been effected in response to the Committee's recommendations.

548. The Special Rapporteur welcomed the changes in the law but observed that the State party should consider paying some compensation to the author, in line with the Committee's recommendations and in compliance with the State party's international obligations. The Permanent Representative replied that the Government was awaiting the judgement of the Supreme Court on the matter and would abide by it.

549. Suriname: On 9 April 1997, the Special Rapporteur and Committee member Mrs. Cecilia Medina Quiroga met with the Counsellor of the Permanent Mission of Suriname to the United Nations and discussed the lack of follow-up by Suriname to the Committee's Views on communications Nos. 146 and 148-154/1983 (Baboeram

et al.), adopted on 4 April 1985. The State party representative indicated that after a blaze which had destroyed much of Parliament and the Foreign Ministry in July 1996 and elections held in mid-1996, a new Cabinet had been formed in September 1996, which accounted for some delays in meeting international obligations under the Covenant. She could not indicate whether investigations on the above-mentioned cases promised by the Government in a note verbale of 25 July 1996 were being continued or had produced a result. The Special Rapporteur and Mrs. Medina underlined the State party's obligation to implement the Committee's recommendations and to so inform the Committee at the earliest opportunity.

550. Trinidad and Tobago: By submission of 15 January 1997 in respect of the Committee's Views on communication No. 523/1992 (Clyde Neptune), which had recommended, inter alia, that Trinidad and Tobago adopt immediate measures to improve the author's conditions of detention, the State party indicates that the request for improvement in the conditions of detention was directed to the attention of the Commissioner for Prisons. By submission of 6 February 1997, the State party notes that the Commissioner for Prisons formed the view that the author's complaints to the Committee were "grossly exaggerated" and that the author's conditions of detention were compatible with article 10 of the Covenant. The State party's submission amounts to a challenge of the Committee's findings and should have been properly raised while the communication was under consideration by the Committee; this opinion was conveyed to the State party's representative in follow-up consultations during the fifty-ninth session.

551. On 9 April 1997, the Special Rapporteur met with the Deputy Permanent Representative of Trinidad and Tobago to the United Nations to discuss the State party's failure to give effect to the recommendations in several Views adopted by the Committee. As he had during similar consultations in March 1996, the Deputy Permanent Representative indicated that an acute human resources problem remained in the Ministry of Foreign Affairs, which accounted for delays in meeting international obligations. As a remedial measure, a London-based law firm had recently been mandated to prepare State party observations in respect of pending cases under the Optional Protocol.

552. The Deputy Permanent Representative had no direct information on the follow-up the State party had given to the Views in the cases of Daniel Pinto (Nos. 232/1987 and 512 (1992)), Balkissoon Soogrim (No. 362/1989), Leroy Shalto (No. 447/1991) and Lal Seerattan (No. 434/1990). The Special Rapporteur regretted the tenor of the State party's follow-up reply in the case of Clyde Neptune (see para. 550 above), in which the State party's Government had basically challenged the Committee's findings. The Deputy Permanent Representative promised to convey the Special Rapporteur's concerns to Port-of-Spain and agreed that follow-up replies should be forwarded in time for the Committee's sixtieth session.

Publicity of follow-up activities

553. During the fiftieth session, in March 1994, the Committee formally adopted a number of decisions concerning the effectiveness of and publicity for follow-up procedure. Those decisions, which are set out in detail in paragraphs 435-437 of the Committee's 1996 Report,[10] provide for publicity to be given to follow-up activities and to the cooperation or non-cooperation of States parties with the Special Rapporteur.

Concern over instances of non-cooperation under the follow-up mandate

554. In spite of some progress in collecting follow-up information since the adoption of its 1996 Report, the Committee and the Special Rapporteur note with concern that a number of countries did not provide any follow-up information within the deadlines established by the Committee or have not replied to reminders or requests for information from the Special Rapporteur. Those States which have not replied to requests for follow-up information are the following (in alphabetical order):

Cameroon: one case;

Democratic Republic of the Congo (formerly Zaire): 11 cases;

Ecuador: one case;

Equatorial Guinea: two cases;

Jamaica: 13 cases;

Libyan Arab Jamahiriya: one case;

Madagascar: four cases;

Nicaragua: one case;

Panama: two cases;

Peru: one case;

Suriname: eight cases;

Togo: four cases;

Trinidad and Tobago: two cases;

Uruguay: two cases;

Zambia: one case.

555. The Committee urges those States parties to reply to the Special Rapporteur's requests for follow-up information within the deadlines that have been set.

556. The Committee reconfirms that it will keep the functioning of the follow-up procedure under regular review.

557. The Committee again expresses its regret that its recommendations, formulated in its 1995 and 1996 Reports, to the effect that at least one follow-up mission per year be budgeted by the Centre for Human Rights, have still not been implemented by the Centre. Similarly, the Committee considers that staff resources to service the follow-up mandate are inadequate, which prevents the proper and timely conduct of follow-up activities, including follow-up missions. On 30 July 1997, the Committee decided to schedule a follow-up mission to Trinidad and Tobago in the course of 1998.

Notes

[1] Statement by the Chairman on behalf of the Human Rights Committee (CCPR/C/79/Add.57), read out by the Chairman at the Committee's 1453rd meeting on 20 October 1995.

[2] See CCPR/C/SR.1178/Add.1 and CCPR/C/SR.1200-1202.

[3] The Committee initiated its consideration of the third periodic report of Peru at its 1519th to 1521st meetings, on 18 and 19 July 1996, at which it dealt with urgent issues relating to the implementation of articles 2, 4, 6, 7, 9, 10, 14 and 27 of the Covenant (see Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40), paras. 339-364).

[4] Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40 (A/47/40).

[5] See CCPR/C/SR.1178/Add.1, CCPR/C/SR.1200-1202 and CCPR/C/SR.1453.

[6] See Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40), para. 405 and annex VIII, sect. 23, paras. 8.3 and 8.4.

[7] The mandate is spelled out in the Committee's 1990 Report to the General Assembly. See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 40 (A/45/40), annex XI.

[8] For the text of the new rule, see CCPR/C/3/Rev.5.

[9] Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40).

[10] Ibid., Fifty-first Session, Supplement No. 40 (A/51/40).

[11] Ibid., Forty-third Session, Supplement No. 40 (A/43/40).

[12] International Covenant on Civil and Political Rights. Human Rights Committee. Selected decisions under the Optional Protocol (CCPR/C/OP/1) (United Nations publication, Sales No. 84.XIV.2), vol. 1.

[13] Ibid. (CCPR/C/OP/2) (United Nations publication, Sales No. 89.XIV.1), vol. 2.

[14] Official Records of the General Assembly, Forty-fifth Session, Supplement No. 40 (A/45/40).

[15] Ibid., Forty-eighth Session, Supplement No. 40 (A/48/40).

[16] Ibid., Fiftieth Session, Supplement No. 40 (A/50/40).

[17] Ibid., Forty-fourth Session, Supplement No. 40 (A/44/40).

[18] Ibid., Forty-second Session, Supplement No. 40 (A/42/40).

[19] Ibid., Forty-sixth Session, Supplement No. 40 (A/46/40).

ANNEX I

States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols and States which have made the declaration under article 41 of the Covenant as at 1 August 1997

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
	A. States parties to the International Covenant on Civil and Political Rights (138)	
Afghanistan	24 January 1983[a]	24 April 1983
Albania	4 October 1991[a]	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia[b]	23 June 1993	23 September 1993
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan[b]	13 August 1992[a]	13 November 1992
Barbados	5 January 1973[a]	23 March 1976
Belarus, Republic of	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Belize	10 June 1996[a]	10 September 1996
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia Herzegovina	1 September 1993[c]	6 March 1992
Brazil	24 January 1992[a]	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burundi	9 May 1990[a]	9 August 1990
Cambodia	26 May 1992[a]	26 August 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	6 August 1993[a]	6 November 1993
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	26 March 1992[a]	26 June 1992

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Croatia	12 October 1992[c]	8 October 1991
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993[c]	1 January 1993
Democratic People's Republic of Korea	14 September 1981[a]	14 December 1981
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominica	17 June 1993[a]	17 September 1993
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987[a]	25 December 1987
Estonia[b]	21 October 1991[a]	21 January 1992
Ethiopia	11 June 1993[a]	11 September 1993
Finland	19 August 1975	23 March 1976
France	4 November 1980[a]	4 February 1981
Gabon	21 January 1983[a]	21 April 1983
Gambia	22 March 1979[a]	22 June 1979
Georgia[b]	3 May 1994[a]	3 August 1994
Germany	17 December 1973	23 March 1976
Greece	5 May 1997[a]	5 August 1997
Grenada	6 September 1991[a]	6 December 1991
Guatemala	6 May 1992[a]	5 August 1992
Guinea	24 January 1978	24 April 1978
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991[a]	6 May 1991
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979[a]	10 July 1979
Iran, Islamic Republic of	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991[a]	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kazakhstan[d]		
Kenya	1 May 1972[a]	23 March 1976
Kuwait	21 May 1996[a]	21 August 1996
Kyrgyzstan[b]	7 October 1994[a]	7 January 1995

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Latvia[b]	14 April 1992[a]	14 July 1992
Lebanon	3 November 1972[a]	23 March 1976
Lesotho	9 September 1992[a]	9 December 1992
Libyan Arab Jamahiriya	15 May 1970[a]	23 March 1976
Lithuania[b]	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	22 December 1993[a]	22 March 1994
Mali	16 July 1974[a]	23 March 1976
Malta	13 September 1990[a]	13 December 1990
Mauritius	12 December 1973[a]	23 March 1976
Mexico	23 March 1981[a]	23 June 1981
Moldova, Republic of[b]	26 January 1993[a]	26 April 1993
Mongolia	18 November 1974	23 March 1976
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Nigeria	29 July 1993[a]	29 October 1993
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1997
Paraguay	10 June 1992[a]	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990[a]	10 July 1990
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976
Rwanda	16 April 1975[a]	23 March 1976
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[c]	1 January 1993

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Slovenia	6 July 1992[c]	25 June 1991
Somalia	24 January 1990[a]	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980[a]	11 September 1980
Sudan	18 March 1986[a]	18 June 1986
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992[a]	18 September 1992
Syrian Arab Republic	21 April 1969[a]	23 March 1976
Tajikistan[d]		
Thailand	29 October 1996[a]	29 January 1997
The former Yugoslav Republic of Macedonia[b]	18 January 1994[c]	17 September 1991
Togo	24 May 1984[a]	24 August 1984
Trinidad and Tobago	21 December 1978[a]	21 March 1979
Tunisia	18 March 1969	23 March 1976
Turkmenistan[b,d]	1 May 1997[a]	1 August 1997
Uganda	21 June 1995[a]	21 September 1995
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland[e]	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976[a]	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976
Uzbekistan[b]	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982[a]	24 December 1982
Yemen	9 February 1987[a]	9 May 1987
Yugoslavia	2 June 1971	23 March 1976
Zambia	10 April 1984[a]	10 July 1984
Zimbabwe	13 May 1991[a]	13 August 1991

B. States parties to the Optional Protocol (92)

Algeria	12 September 1989[a]	12 December 1990
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986[a]	8 November 1986
Armenia	23 June 1993	23 September 1993
Australia	25 September 1991[a]	25 December 1991
Austria	10 December 1987	10 March 1988
Barbados	5 January 1973[a]	23 March 1976
Belarus, Republic of	30 September 1992[a]	30 December 1992
Belgium	17 May 1994[a]	17 August 1994
Benin	12 March 1992[a]	12 June 1992

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Bolivia	12 August 1982[a]	12 November 1982
Bosnia Herzegovina	1 March 1995	1 June 1995
Bulgaria	26 March 1992[a]	26 June 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995	9 September 1995
Chile	28 May 1992[a]	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	5 March 1997	5 June 1997
Croatia	12 October 1995	12 January 1996
Cyprus	15 April 1992	15 July 1992
Czech Republic	22 February 1993[c]	1 January 1993
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
El Salvador	6 June 1995	6 September 1995
Equatorial Guinea	25 September 1987[a]	25 December 1987
Estonia	21 October 1991[a]	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984[a]	17 May 1984
Gambia	9 June 1988[a]	9 September 1988
Georgia	3 May 1994[a]	3 August 1994
Germany	25 August 1993	25 November 1993
Greece	5 May 1997[a]	5 August 1997
Guinea	17 June 1993	17 September 1993
Guyana	10 May 1993[a]	10 August 1993
Hungary	7 September 1988[a]	7 December 1988
Iceland	22 August 1979[a]	22 November 1979
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Kyrgyzstan	7 October 1994[a]	7 January 1995
Latvia	22 June 1994[a]	22 September 1994
Libyan Arab Jamahiriya	16 May 1989[a]	16 August 1989
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983[a]	18 November 1983

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Madagascar	21 June 1971	23 March 1976
Malawi	11 June 1996	11 September 1996
Malta	13 September 1990[a]	13 December 1990
Mauritius	12 December 1973[a]	23 March 1976
Mongolia	16 April 1991[a]	16 July 1991
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991[a]	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989[a]	26 August 1989
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 January 1995[a]	10 April 1995
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989[a]	22 November 1989
Poland	7 November 1991[a]	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990[a]	10 July 1990
Romania	20 July 1993[a]	20 October 1993
Russian Federation	1 October 1991[a]	1 January 1992
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993	1 January 1993
Slovenia	16 July 1993[a]	16 October 1993
Somalia	24 January 1990[a]	24 April 1990
Spain	25 January 1985[a]	25 April 1985
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	23 March 1976
The former Yugoslav Republic of Macedonia	12 December 1994[a]	12 March 1995
Togo	30 March 1988[a]	30 June 1988
Trinidad and Tobago	14 November 1980[a]	14 February 1981
Turkmenistan[b,d]	1 May 1997[a]	1 August 1997
Uganda	14 November 1995	14 February 1996
Ukraine	25 July 1991[a]	25 October 1991
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Zambia	10 April 1984[a]	10 July 1984

C. Status of the Second Optional Protocol aiming at the abolition of the death penalty (30)

State party	Date of receipt of the instrument of ratification or accession or succession	Date of entry into force
Australia	2 October 1990[a]	11 July 1991
Austria	2 March 1993	2 June 1993
Croatia	12 October 1995	12 January 1996
Denmark	24 February 1994	24 May 1994
Ecuador	23 February 1993[a]	23 May 1993
Finland	4 April 1991	11 July 1991
Germany	18 August 1992	18 November 1992
Greece	5 May 1997[a]	5 August 1997
Hungary	24 February 1994[a]	24 May 1994
Iceland	2 April 1991	11 July 1991
Ireland	18 June 1993[a]	18 September 1993
Italy	14 February 1995	14 May 1995
Luxembourg	12 February 1992	12 May 1992
Malta	29 December 1994	29 March 1995
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995
Netherlands	26 March 1991	11 July 1991
New Zealand	22 February 1990	11 July 1991
Norway	5 September 1991	5 December 1991
Panama	21 January 1993[a]	21 April 1993
Portugal	17 October 1990	11 July 1991
Romania	27 February 1991	11 July 1991
Seychelles	15 December 1994[a]	15 March 1995
Slovenia	10 March 1994	10 June 1994
Spain	11 April 1991	11 July 1991
Sweden	11 May 1990	11 July 1991
Switzerland	16 June 1994[a]	16 September 1994
The former Yugoslav Republic of Macedonia	26 January 1995[a]	26 April 1995
Uruguay	21 January 1993	21 April 1993
Venezuela	22 February 1993	22 May 1993

D. States which have made the declaration under article 41 of the Covenant (45)

State party	Valid from	Valid until
Algeria	12 September 1989	Indefinitely
Argentina	8 August 1986	Indefinitely
Australia	28 January 1993	Indefinitely
Austria	10 September 1978	Indefinitely
Belarus, Republic of	30 September 1992	Indefinitely

State party	Valid from	Valid until
Belgium	5 March 1987	Indefinitely
Bosnia Herzegovina	6 March 1992	Indefinitely
Bulgaria	12 May 1993	Indefinitely
Canada	29 October 1979	Indefinitely
Chile	11 March 1990	Indefinitely
Congo	7 July 1989	Indefinitely
Croatia	12 October 1995	12 October 1996
Czech Republic	1 January 1993	Indefinitely
Denmark	23 March 1976	Indefinitely
Ecuador	24 August 1984	Indefinitely
Finland	19 August 1975	Indefinitely
Gambia	9 June 1988	Indefinitely
Germany	28 March 1979	27 March 1996
Guyana	10 May 1993	Indefinitely
Hungary	7 September 1988	Indefinitely
Iceland	22 August 1979	Indefinitely
Ireland	8 December 1989	Indefinitely
Italy	15 September 1978	Indefinitely
Luxembourg	18 August 1983	Indefinitely
Malta	13 September 1990	Indefinitely
Netherlands	11 December 1978	Indefinitely
New Zealand	28 December 1978	Indefinitely
Norway	23 March 1976	Indefinitely
Peru	9 April 1984	Indefinitely
Philippines	23 October 1986	Indefinitely
Poland	25 September 1990	Indefinitely
Republic of Korea	10 April 1990	Indefinitely
Russian Federation	1 October 1991	Indefinitely
Senegal	5 January 1981	Indefinitely
Slovakia	1 January 1993	Indefinitely
Slovenia	6 July 1992	Indefinitely
Spain	25 January 1985	25 January 1993
Sri Lanka	11 June 1980	Indefinitely
Sweden	23 March 1976	Indefinitely
Switzerland	18 September 1992	18 September 1997
Tunisia	24 June 1993	Indefinitely
Ukraine	28 July 1992	Indefinitely
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Indefinitely
United States of America	8 September 1992	Indefinitely
Zimbabwe	20 August 1991	Indefinitely

Notes

[a] Accession.

[b] In the opinion of the Committee, the entry into force goes back to the date when the State became independent.

[c] Succession.

[d] Although a declaration of succession has not been received, the people within the territory of the State - which constituted part of a former State party to the Covenant - continue to be entitled to the guarantees enunciated in the Covenant in accordance with the Committee's established jurisprudence (see Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40), vol. I, paras. 48 and 49).

[e] For information on the application of the Covenant in Hong Kong, see chapter V, section B, of the present report.

ANNEX II

Membership and officers of the Human Rights Committee, 1996-1997

A. Membership

Mr. Nisuke ANDO*	Japan
Mr. Prafullachandra Natwarlal BHAGWATI*	India
Mr. Thomas BUERGENTHAL*	United States of America
Ms. Christine CHANET*	France
Lord COLVILLE**	United Kingdom of Great Britain and Northern Ireland
Mr. Omran EL SHAFEI*	Egypt
Ms. Elizabeth EVATT**	Australia
Mr. Eckart KLEIN*	Germany
Mr. David KRETZMER*	Israel
Ms. Pilar GAITAN DE POMBO**	Colombia
Mr. Rajsoomer LALLAH**	Mauritius
Ms. Cecilia MEDINA QUIROGA*	Chile
Mr. Fausto POCAR**	Italy
Mr. Julio PRADO VALLEJO*	Ecuador
Mr. Martin SCHEININ**	Finland
Mr. Danilo TÜRK**	Slovenia
Mr. Maxwell YALDEN**	Canada

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* Term expires on 31 December 1998.

** Term expires on 31 December 2000.

B. Officers

The officers of the Committee, elected for two-year terms at the 1560th meeting (fifty-ninth session), are as follows:

Chairperson: Ms. Christine Chanet

Vice-Chairpersons: Mr. Prafullachandra Natwarlal Bhagwati
Mr. Omran El Shafei
Ms. Cecilia Medina Quiroga

Rapporteur: Ms. Elizabeth Evatt

ANNEX III

Submission of reports and additional information by States Parties under article 40 of the Covenant during the period under review[1]

States parties	Type of report	Date due	Date of submission	Number of written reminders sent to States whose reports have not yet been submitted
Afghanistan	Second	23 April 1989	23 March 1992[2]	-
	Third	23 April 1994	Not yet received	-
Albania	Initial	3 January 1993	Not yet received	(7)
Algeria	Second	11 December 1995	Not yet received	(1)
Angola	Initial[3]	9 April 1993	Not yet received	(4)
Argentina	Third	11 July 1997	Not yet received	-
Armenia	Initial	22 September 1994	1 July 1997	-
Australia	Third	12 November 1991	Not yet received	(9)
Austria	Third	9 April 1993	22 April 1997	-
Azerbaijan	Second	12 November 1998	Not yet due	-
Barbados	Third	11 April 1991	Not yet received	(11)
	Fourth	11 April 1996	Not yet received	(1)
Belarus	Fourth	4 November 1993	11 April 1995	-
Belgium	Third	20 July 1994	21 August 1996	-
Belize	Initial	9 September 1997	Not yet due	-
Benin	Initial	11 June 1993	Not yet received	(5)
Bolivia	Second[4]	13 July 1990	20 March 1996	-
	Third	31 December 1999	Not yet due	-
Bosnia and Herzegovina	Initial	5 March 1993	Not yet received	(3)
Brazil	Second	23 April 1998	Not yet due	-
Bulgaria	Third[5]	31 December 1994	Not yet received	(3)
Burundi	Second	8 August 1996	Not yet received	(1)
Cambodia	Initial	25 August 1993	Not yet received	(3)
Cameroon	Third	26 September 1995	6 March 1997	-
Canada	Fourth	4 April 1995	4 April 1997	-
Cape Verde	Initial	5 November 1994	Not yet received	(2)
Central African Republic	Second[6]	9 April 1989	Not yet received	(14)
	Third	7 August 1992	Not yet received	(8)
Chad	Initial	8 June 1996	Not yet received	(1)
Chile	Fourth	28 April 1994	Not yet received	(4)
Colombia	Fourth	2 August 1995	9 July 1996	-
Congo	Second	4 January 1990	9 July 1996	-
	Third	4 January 1995	Not yet received	-
Costa Rica	Fourth	2 August 1995	Not yet received	(2)
Côte d'Ivoire	Initial	25 June 1993	Not yet received	(5)
Croatia	Initial	7 October 1992	Not yet received	(6)
Cyprus	Third[7]	31 December 1994	28 December 1994	-
	Fourth	18 August 1994	Not yet received	-
Czech Republic	Initial	31 December 1993	Not yet received	(3)

States parties	Type of report	Date due	Date of submission	Number of written reminders sent to States whose reports have not yet been submitted
Democratic People's Republic of Korea	Second	13 December 1987	Not yet received	(17)
Democratic Republic of the Congo	Third[8]	31 July 1991	Not yet received	(10)
	Third	13 December 1992	Not yet received	(7)
Denmark	Third	1 November 1990	7 April 1995	-
	Fourth[9]	31 December 1998	Not yet due	-
Dominica	Initial	16 September 1994	Not yet received	(4)
Dominican Republic	Fourth	3 April 1994	Not yet received	(5)
Ecuador	Fourth	4 November 1993	13 March 1997	-
Egypt	Third[10]	31 December 1994	Not yet received	(3)
El Salvador	Third[11]	31 December 1995	Not yet received	(1)
	Fourth	28 February 1996	Not yet received	(1)
Equatorial Guinea	Initial	24 December 1988	Not yet received	(15)
	Second	24 December 1993	Not yet received	(5)
Estonia	Second	20 January 1998	Not yet due	-
Ethiopia	Initial	10 September 1994	Not yet received	(4)
Finland	Fourth	18 August 1994	10 August 1995	-
France	Third[12]	3 February 1992	15 March 1996	-
Gabon	Second[13]	31 October 1998	Not yet due	-
Gambia	Second	21 June 1985	Not yet received	(23)
	Third	21 June 1990	Not yet received	(12)
	Fourth	21 June 1995	Not yet received	(2)
Georgia	Initial	2 August 1995	21 November 1995	-
Germany	Fourth	3 August 1993	12 September 1995	-
	Fifth[14]	3 August 2000	Not yet due	-
Greece	Initial	4 August 1998	Not yet due	-
Grenada	Initial	5 December 1992	Not yet received	(7)
Guatemala	Second	4 August 1988	Not yet due	-
Guinea	Third	31 December 1994	Not yet received	(3)
Guyana	Second	10 April 1987	Not yet received	(19)
	Third	10 April 1992	Not yet received	(9)
Haiti	Initial[15]	31 December 1996	Not yet received	(1)
Hungary	Fourth	2 August 1995	Not yet received	(2)
Iceland	Third	31 December 1994	23 March 1995	-
India	Third[16]	31 March 1992	29 November 1995	-
	Fourth	9 July 1995	Not yet received	-
Iran (Islamic Republic of)	Third[17]	31 December 1994	Not yet received	(3)
Iraq	Fourth	4 April 1995	5 February 1996	-
Ireland	Second	7 March 1996	Not yet received	(1)
Israel	Initial	2 January 1993	Not yet received	(7)
Italy	Fourth	31 December 1995	30 October 1996	-

States parties	Type of report	Date due	Date of submission	Number of written reminders sent to States whose reports have not yet been submitted
Jamaica	Second	1 August 1986	6 January 1997	-
	Third	1 August 1991	Not yet received	-
Japan	Fourth	31 October 1996	16 June 1997	-
Jordan	Fourth	22 January 1997	Not yet received	-
Kazakhstan[18]				
Kenya	Second	11 April 1986	Not yet received	(21)
	Third	11 April 1991	Not yet received	(11)
	Fourth	11 April 1996	Not yet received	(1)
Kuwait	Initial	20 August 1997	Not yet due	-
Kyrgyzstan	Initial	6 January 1996	Not yet received	(1)
Latvia	Second	14 July 1998	Not yet due	-
Lebanon	Second	21 March 1986	6 June 1996	-
	Third[19]	21 March 1988	Not yet due	-
Lesotho	Initial	8 December 1993	Not yet received	(21)
Libyan Arab Jamahiriya	Third[20]	31 December 1995	29 November 1995	-
Lithuania	Initial	19 February 1993	16 April 1996	-
Luxembourg	Third	17 November 1994	Not yet received	(3)
Madagascar	Third[21]	31 July 1992	Not yet received	(8)
	Fourth	3 August 1993	Not yet received	(6)
Malawi	Initial	21 March 1995	Not yet received	(3)
Mali	Second	11 April 1986	Not yet received	(21)
	Third	11 April 1991	Not yet received	(11)
	Fourth	11 April 1996	Not yet received	(1)
Malta	Second	12 December 1996	Not yet received	(1)
Mauritius	Fourth[22]	30 June 1998	Not yet due	-
Mexico	Fourth	22 June 1997	30 June 1997	-
Moldova	Initial	25 April 1994	Not yet received	(4)
Mongolia	Fourth	4 April 1995	Not yet received	(3)
Morocco	Fourth	31 October 1996	27 January 1997	-
Mozambique	Initial	20 October 1994	Not yet received	(4)
Namibia	Initial	27 February 1996	Not yet received	(1)
Nepal	Second	13 August 1997	Not yet due	-
Netherlands	Third	31 October 1991	6 February 1995	-
	Fourth	31 October 1996	Not yet received	-
New Zealand	Fourth	31 December 1996	Not yet received	(1)
Nicaragua	Third	11 June 1991	Not yet received	(10)
	Fourth	11 June 1996	Not yet received	(1)
Niger	Second[23]	31 March 1994	Not yet received	(5)
Nigeria	Second	28 October 1999	Not yet due	-
Norway	Fourth	1 April 1997	4 February 1997	-
Panama	Third[24]	31 March 1992	Not yet received	(9)
	Fourth	6 June 1993	Not yet received	(6)

States parties	Type of report	Date due	Date of submission	Number of written reminders sent to States whose reports have not yet been submitted
Paraguay	Second	9 September 1998	Not yet due	-
Peru	Third	9 April 1993	24 October 1994	-
Philippines	Second	22 January 1993	Not yet received	(7)
Poland	Fourth	27 October 1994	7 May 1996	-
Portugal	Third	1 August 1991	1 March 1996[25]	-
Republic of Korea	Second	9 July 1996	Not yet received	(1)
Romania	Fourth	31 December 1994	26 April 1996	-
Russian Federation	Fifth	4 November 1998	Not yet due	-
Rwanda	Third[26]	10 April 1992	Not yet received	(3)
Saint Vincent and the Grenadines	Second[27]	31 October 1991	Not yet received	(10)
	Third	8 February 1993	Not yet received	(7)
San Marino	Second	17 January 1992	Not yet received	(9)
Senegal	Fourth	4 April 1995	19 September 1995	-
Seychelles	Initial	4 August 1993	Not yet received	(5)
Sierra Leone	Initial	22 November 1997	Not yet due	-
Slovakia	Initial[28]	31 December 1993	9 January 1996	-
Slovenia	Second	24 June 1997	Not yet received	-
Somalia	Initial	23 April 1991	Not yet received	(10)
	Second	23 April 1996	Not yet received	(1)
Spain	Fourth	28 April 1994	2 June 1994	-
Sri Lanka	Fourth	10 September 1996	Not yet received	(1)
Sudan	Second	17 June 1992	6 December 1996	-
Suriname	Second	2 August 1985	Not yet received	(22)
	Third	2 August 1990	Not yet received	(12)
	Fourth	2 August 1995	Not yet received	(2)
Sweden	Fifth	27 October 1999	Not yet due	-
Switzerland	Initial	17 September 1993	24 February 1995	-
Syrian Arab Republic	Second	18 August 1984	Not yet received	(25)
	Third	18 August 1989	Not yet received	(14)
	Fourth	18 August 1994	Not yet received	(4)
Tajikistan[18]				
The former Yugoslav Republic of Macedonia	Initial	6 September 1992	Not yet received	(3)
Togo	Third	31 December 1990	Not yet received	(1)
Trinidad and Tobago	Third	20 March 1990	Not yet received	(13)
	Fourth	20 March 1995	Not yet received	(3)
Tunisia	Fourth	4 February 1998	Not yet due	-
Turkmenistan	Initial	31 July 1998	Not yet due	-
Uganda	Initial	20 September 1996	Not yet received	(1)
Ukraine	Fourth	18 August 1999	Not yet due	-

States parties	Type of report	Date due	Date of submission	Number of written reminders sent to States whose reports have not yet been submitted
United Kingdom of Great Britain and Northern Ireland	Special	31 May 1996	3 June 1996[29]	-
	Fifth	18 August 1999	Not yet due	-
United Republic of Tanzania	Third[30]	31 December 1993	6 February 1997	-
	Fourth	11 April 1996	Not yet received	-
United States of America	Second	7 September 1998	Not yet due	-
Uruguay	Fourth	31 December 1994	19 December 1996	-
Uzbekistan	Initial	27 December 1996	Not yet received	(1)
Venezuela	Third[31]	31 December 1993	Not yet received	(5)
	Fourth	1 November 1995	Not yet received	(2)
Viet Nam	Second[32]	31 July 1991	Not yet received	(9)
	Third	23 December 1993	Not yet received	(4)
Yemen	Third	8 May 1998	Not yet due	-
Yugoslavia	Fourth	3 August 1993	Not yet received	(6)
Zambia	Second	9 July 1990	27 January 1995	-
	Third[33]	30 June 1998	Not yet due	-
Zimbabwe	Initial	12 August 1992	20 November 1996	-

Notes

[1] From 26 July 1996 to 1 August 1997 (end of the sixtieth session).

[2] At its fifty-fifth session, the Committee requested the Government of Afghanistan to submit information updating the report before 31 May 1996 for consideration at its fifty-seventh session.

[3] Pursuant to a Committee decision of 29 October 1993 (forty-ninth session), Angola was requested to submit a report relating to recent and current events affecting the implementation of the Covenant in the country for consideration at the fiftieth session.

[4] At its fifty-ninth session (1580th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Bolivia from 11 November 1993 to 31 December 1999.

[5] At its forty-eighth session (1258th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Bulgaria from 28 April 1989 to 31 December 1994.

[6] At it thirty-second session (794th meeting), the Committee decided to extend the deadline for the submission of the second periodic report of the Central African Republic from 7 August 1987 to 9 April 1989.

[7] At its fifty-first session (1335th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Cyprus from 18 August 1989 to 31 December 1994.

[8] At its thirty-ninth session (1003rd meeting), the Committee decided to extend the deadline for the submission of the third periodic report of the Democratic Republic of the Congo from 30 January 1988 to 31 July 1991.

[9] At its fifty-eighth session (1559th meeting), the Committee decided to extend the deadline for the submission of the fourth periodic report of Denmark from 1 November 1995 to 31 December 1998.

[10] At its forty-eighth session (1258th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Egypt from 13 April 1993 to 31 December 1994.

[11] Pursuant to a Committee decision taken at its fiftieth session (1319th meeting), the new date for the submission of the third period report of El Salvador is 31 December 1995.

[12] At its sixtieth session (1614th meeting), the Committee decided to extend the deadline for the submission of the fourth periodic report of France to 31 December 2000.

[13] At its fifty-eighth session (1559th meeting), the Committee decided to extend the deadline for the submission of the second periodic report of Gabon from 20 April 1989 to 31 December 1998.

[14] At its fifty-eighth session (1559th meeting), the Committee decided to extend the deadline for the submission of the fifth periodic report of Germany from 3 August 1998 to 3 August 2000.

[15] Pursuant to a Committee decision taken at its 1415th meeting (fifty-third session), at the end of the consideration of a report of Haiti submitted pursuant to a special decision, the new date for the submission of the initial report of Haiti is 31 December 1996.

[16] At its forty-first session (1062nd meeting), the Committee decided to extend the deadline for the submission of the third periodic report of India from 9 July 1990 to 31 March 1992. At its sixtieth session (1614th meeting), the Committee decided to extend the deadline for the submission of the fourth periodic report of India to 31 December 2001.

[17] At its forty-eighth session (1258th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of the Islamic Republic of Iran from 21 March 1988 to 31 December 1994.

[18] In notes verbales dated 28 May 1993, the Committee requested these States to submit their reports under article 40 of the Covenant. See also relevant notes in annex I to the present report.

[19] At its fifty-ninth session (1580th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Lebanon from 21 March 1988 to 31 December 1999.

[20] Pursuant to a Committee decision taken at its fifty-second session (1386th meeting), the new date for the submission of the third periodic report of the Libyan Arab Jamahiriya has been extended from 4 February 1988 to 31 December 1995.

[21] At its forty-third session (1112th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Madagascar from 3 August 1988 to 31 July 1992.

[22] At its fifty-sixth session (1500th meeting), the Committee decided to extend the deadline for the submission of the fourth periodic report of Mauritius from 4 November 1993 to 30 June 1998.

[23] At its forty-seventh session (1215th meeting), the Committee decided to extend the deadline for the submission of the second periodic report of Niger from 6 June 1992 to 31 March 1994.

[24] At its forty-first session (1062nd meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Panama from 6 June 1988 to 31 March 1992.

[25] At its fifty-ninth session (1580th meeting), the Committee decided to extend the deadline for the submission of the part of the fourth report of Portugal relating to Macau from 1 August 1996 to 30 June 1998.

[26] Pursuant to a Committee decision of 29 October 1994 (fifty-first session), Rwanda was requested to submit a report relating to recent and current events affecting the implementation of the Covenant in the country for consideration at the fifty-second session.

[27] At its thirty-eighth session (973rd meeting), the Committee decided to extend the deadline for the submission of the second periodic report of Saint Vincent and the Grenadines from 8 February 1988 to 31 October 1991.

[28] At its sixtieth session (1614th meeting), the Committee decided to extend the deadline for the submission of the second periodic report of Slovakia to 31 December 2001.

[29] At the end of the consideration of the part of the report relating to Hong Kong, a special report was requested for 31 May 1996 for consideration at the fifty-eighth session.

[30] At its forty-sixth session (1205th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of the United Republic of Tanzania from 11 April 1991 to 31 December 1993.

[31] At its forty-sixth session (1205th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Venezuela from 1 November 1991 to 31 December 1993.

[32] At its thirty-ninth session (1003rd meeting), the Committee decided to extend the deadline for the submission of the second periodic report of Viet Nam from 23 December 1988 to 31 July 1991.

[33] At its fifty-sixth session (1500th meeting), the Committee decided to extend the deadline for the submission of the third periodic report of Zambia from 9 July 1995 to 30 June 1998.

ANNEX IV

Status of reports considered during the period under review and of reports still pending before the Committee

States parties	Date due	Date of submission	Meetings at which considered
A. Initial report			
Armenia	22 September 1994	1 July 1997	Not yet considered
Gabon	20 April 1984	16 November 1995	1541st to 1543rd (fifty-eighth session)
Georgia	2 August 1995	21 November 1995	1564th to 1566th (fifty-ninth session)
Lithuania	19 February 1993	16 April 1996	Not yet considered
Slovakia	31 December 1993	9 January 1996	1589th to 1591st (sixtieth session)
Switzerland	17 September 1993	24 February 1995	1537th to 1539th (fifty-eighth session)
Zimbabwe	12 August 1992	20 November 1996	Not yet considered
B. Second periodic report			
Bolivia	13 July 1990	20 March 1996	1562nd and 1563rd (fifty-eighth session)
Congo	4 January 1990	9 July 1996	Not yet considered
Jamaica	1 August 1986	6 January 1997	Not yet considered
Lebanon	21 March 1986	6 June 1996	1578th and 1579th (fifty-ninth session)
Sudan	17 June 1992	6 December 1996	Not yet considered
C. Third periodic report			
Austria	9 April 1993	22 April 1997	Not yet considered
Belgium	20 July 1994	21 August 1996	Not yet considered
Cameroon	26 September 1995	6 March 1997	Not yet considered
Cyprus	31 December 1994	28 December 1994	Not yet considered
Denmark	1 November 1990	7 April 1995	1533rd and 1534th (fifty-eighth session)
France	3 February 1992	15 March 1996	1597th to 1600th (sixtieth session)
Iceland	31 December 1994	23 March 1995	Not yet considered
India	31 March 1992	29 November 1995	1603rd to 1607th (sixtieth session)
Japan	31 October 1996	16 June 1996	Not yet considered
Libyan Arab Jamahiriya	31 December 1995	29 November 1995	Not yet considered
Mexico	22 June 1997	30 June 1997	Not yet considered
Peru	9 April 1993	24 October 1994	1519th to 1521st and 1547th to 1548th (fifty-seventh and fifty-eighth sessions)
Portugal (Macau)	1 August 1991	1 March 1996	1576th and 1577th (fifty-ninth session)

States parties	Date due	Date of submission	Meetings at which considered
United Republic of Tanzania	31 December 1993	6 February 1997	Not yet considered
D. Fourth periodic report			
Belarus	4 November 1993	11 April 1995	Not yet considered
Canada	4 April 1995	4 April 1995	Not yet considered
Colombia	2 August 1995	9 July 1996	1568th to 1571st (fifty-ninth session)
Ecuador	4 November 1993	13 March 1997	Not yet considered
Finland	18 August 1994	10 August 1995	Not yet considered
Germany	3 August 1993	12 September 1995	1551st to 1553rd (fifty-eighth session)
Iraq	4 April 1995	5 February 1996	Not yet considered
Italy	31 December 1995	30 October 1996	Not yet considered
Morocco	31 October 1996	27 January 1997	Not yet considered
Norway	1 April 1997	4 February 1997	Not yet considered
Poland	27 October 1994	7 May 1996	Not yet considered
Romania	31 December 1994	26 April 1996	Not yet considered
Senegal	4 April 1995	19 September 1995	Not yet considered
United Kingdom of Great Britain and Northern Ireland (Jersey, Guernsey and Isle of Man)	31 May 1996	12 February 1997	Not yet considered
Uruguay	31 December 1994	19 December 1996	Not yet considered
E. Reports submitted pursuant to a special decision taken by the Committee			
United Kingdom of Great Britain and Northern Ireland (Hong Kong)[a]	31 May 1997	31 May 1997	1535th and 1536th (fifty-eighth session)
F. Additional information submitted subsequent to the examination of initial reports by the Committee[b]			
Gambia	-	5 June 1984	Not yet considered
Kenya	-	4 May 1982	Not yet considered

[a] See paras. 78-85 of the present report.

[b] At its twenty-fifth session (601st meeting), the Committee decided to consider additional information submitted subsequent to the examination of initial reports together with the State party's second periodic report.

ANNEX V

List of States parties' delegations that participated in the consideration of their respective reports by the Human Rights Committee at its fifty-eighth, fifty-ninth and sixtieth sessions

(Listed in the order in which their reports were considered)

DENMARK	Representative	Mr. Hans Henrik Bruun, Ambassador, Permanent Mission of Denmark to the United Nations Office at Geneva
	Adviser	Ms. Nina Holst Christensen, Head of Division, Ministry of Justice
		Ms. Ilse Cohn, Prison Governor, Department of Prisons and Probation, Ministry of Justice
		Ms. Lone B. Christensen, Head of Division, Ministry of the Interior
		Ms. Tove Sovndahl Petersen, Counselor, Denmark Office of the Greenland Home Rule Government
		Mr. Jens Christian Bülow, Head of Section, Ministry of Justice
		Ms. Anette Burko, Head of Section, Police Division, Ministry of Justice
		Ms. Tina Pedersen, Head of Section, Ministry of Foreign Affairs
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (HONG KONG)	Representative	Mr. Henry Steel, Foreign and Commonwealth Office, London
	Adviser	Mr. Daniel R. Fung, Solicitor General, Legal Department, Hong Kong Government
		Mr. Stephen Wong Kai-Yi, Principal Crown Counsel, Hong Kong Government
		Mr. Peter Womg, Senior Crown Counsel, Hong Kong Government
		Mr. Jeremy Croft, Principal Assistant Secretary for Home Affairs, Hong Kong Government
		Mr. Jack Chan, Principal Assistant Secretary for Security, Hong Kong Government

		Ms. Janet Rogan, Hong Kong Department, Foreign and Commonwealth Office, London
		Sir John Ramsden, Permanent Mission of the United Kingdom to the United Nations Office at Geneva
		Ms. Sarah Foulds, Permanent Mission of the United Kingdom to the United Nations Office at Geneva
		Mr. Colin Wells, Permanent Mission of the United Kingdom to the United Nations Office at Geneva
		Mr. Mark Booth, Permanent Mission of the United Kingdom to the United Nations Office at Geneva
SWITZERLAND	Representative	M. Lucius Caflisch, Ambassadeur, Jurisconsulte du Département fédéral des affaires étrangères
	Adviser	M. Charles-Edouard Held, Minstre, Vice-directeur, Direction du droit international public, Département fédéral des affaires étrangères
		M. Edouard Crittin, Vice-directeur, Office fédéral des étrangers, Département fédéral de justice et police
		M. Gottfried Zürcher, Vice-directeur, Office fédéral des réfugiés, Département fédéral de justice et police
		M. Frank Schürmann, Adjoint scientifique, Office fédéral de la justice, Département fédéral de justice et police
		M. Jürg Lindenmann, Adjoint scientifique, Office fédéral de la justice, Département fédéral de justice et police
		M. Franz Bloch, Adjoint scientifique, Office fédéral de la justice, Département fédéral de justice et police

		Mme. Maria Peyro, Collaboratrice scientifique, Office fédéral de l'industrie, des arts et métiers et du travail, Département fédéral de l'économie publique
		M. François Voeffray, Collaborateur scientifique, Direction du droit international public, Département fédéral des affaires étrangères
		Mme. Dominique Petter, Première secrétaire d'Ambassade, Mission permanente de la Suisse auprès de l'Office des Nations Unies à Genève
GABON	Representative	M. S. Mamboundou Mouyama, Ministre d'Etat, Chargé de la communication, de la culture, des arts, de l'éducation populaire et des droits de l'homme
	Alternate representative	M. J. Bissielo Boukila, Haut Commissaire auprès du Ministre d'Etat, Ministre des affaires étrangères et de la coopération
		M. Emmanuel Mba Allo, Ambassadeur, Mission permanente de la République gabonaise auprès de l'Office des Nations Unies à Genève
	Adviser	Mme. Gisèle Memiague, Secretaire général adjoint, Ministère des affaires étrangères et de la coopération
		M. Wilfried Otchanga, Directeur des organisations internationales et de la coopération multilatérale, Ministère des affaires étrangères et de la coopération
		M. C. Hervo-Akendengue, Premier conseiller, Chargé des droits de l'homme, Mission permanente de la République gabonaise auprès de l'Office des Nations Unies à Genève
		Mme. Rose Ondo, Conseiller aux droits de l'homme, Ministère des droits de l'homme
		M. G. Rossatanga Rignault, Conseiller juridique, Ministère des droits de l'homme

		M. Emile Alain Mabounda, Ministère des droits de l'homme
		M. Jean Baptiste Razingue, Conseiller du Ministre, Ministère de la justice Garde des Sceaux
		M. Samba Igambda, Conseiller, Ministère de la justice, Garde des Sceaux
		M. J. M. Boukoundou, Directeur adjoint de la Prison centrale, Ministère de l'intérieur
		M. Hilaire Ndjoye, Conseiller spécial du Président de la République auprès du Ministère de la défense nationale, Ministère de la défense nationale
		M. Augustin Koussou, Conseiller à l'immigration, Ministère de la défense nationale
PERU	Representative	Sr. Carlos Hermoza-Moya, Ministro de Justicia
	Adviser	Sr. José Urrutia, Embajador, Representación Permanente del Peru ante las Naciones Unidas en Ginebra
		Sr. Luis Reyes-Morales, Director de Derechos Humanos del Consejo Nacional de Derechos Humanos del Ministerio de Justicia
		Sr. Luis Enrique Chavez, Primer Secretario, Representación Permanente del Peru ante las Naciones Unidas en Ginebra
		Sr. Eduardo Perez del Solar, Secundo Secretario, Representación Permanente del Peru ante las Naciones Unidas en Ginebra
GERMANY	Representative	Mr. Wilhelm Höynck, Ambassador, Permanent Mission of Germany to the United Nations Office at Geneva
	Adviser	Mr. Helga Voelskow-Thies, Director, Federal Ministry of Justice
		Mr. Jurgen Haberland, First Counselor, Federal Ministry of the Interior

		Mr. Michael Schaefer, First Counselor, Permanent Mission of Germany to the United Nations Office at Geneva
		Mr. Matthias Weckerling, Counselor, Federal Ministry of Justice
		Mrs. Renate Frey, Counselor, Federal Ministry of Justice
		Mr. Christian Hellbach, First Secretary, Permanent Mission of Germany to the United Nations Office at Geneva
BOLIVIA	Representatives	Mr. Edgar Camacho Omiste, Representante Permanente ante las Naciones Unidas
		Sra. Katia Saucedo Paz, Subsecretariat de Derechos Humanos del Ministerio de Justicia
		Sra. Rosaly Ledezma, Consultora de la Comisión de Reformas Legislativas Penales del Ministerio de Justicia
	Adviser	Sr. Marco Antonio Vidaurre, Ministro Consejero, Misión Permanente ante las Naciones Unidas
		Sr. Gustavo Pedraza, Consejero, Misión Permanente ante las Naciones Unidas
		Sra. Peggy Maldonado, Primer Secretario, Misión Permanente ante las Naciones Unidas
GEORGIA	Representative	Mr. Levan Alexidze, Chief Legal Adviser of the President of Georgia
	Adviser	Mr. George Volski, Senior Counselor, Deputy Permanent Representative, Permanent Mission to the United Nations
		Mr. Levan Gogoberidze, First Secretary, Permanent Mission to the United Nations
		Mr. Constantine Korkelia, Third Secretary, Department of Legal Affairs, Ministry of Foreign Affairs
		Mr. Anzor Baluashvili, Deputy General Prosecutor

COLOMBIA	Representatives	Sr. Julio Londono Paredes, Representante Permanente de Colombia ante las Naciones Unidas
		Sr. Carlos Vicente de Roux, Consejero Presidencial para los Derechos Humanos
		Sr. Carlos Malagon, Vice-ministro de Justicia y del Derecho
	Adviser	Sra. Sonia Eljach Polo, Directora General de Asuntos Especiales, Ministerio de Relaciones Exteriores
		Sra. Clara Ines Vargas de Losada, Ministra Plenipotenciaria en la Misión Permanente ante las Naciones Unidas
		Sr. Alejandro Borda, Ministro Plenipotenciario en la Misión Permanente ante las Naciones Unidas
		Sra. Karen Kufheldt, Ministro Plenipotenciario en la Misión Permanente ante las Naciones Unidas
PORTUGAL (MACAU)	Representative	M. J. Costa Oliveira, Coordonnateur du Cabinet pour les Affaires législatives
	Adviser	M. F. Teodósio Jacinto, Procureur général adjoint
		Mme. Virgínia Silva, Assesseur du Secrétaire adjoint à la communication, tourisme et culture
		M. Paulo Pereira Vidal, Coordinateur adjoint du Cabinet pour les Affaires législatives
		M. João Maria Nataf, Assesseur du Secrétaire adjoint à la justice
		Mme. Leonor Assunção, Professeur à la Faculté de droit de l'Université de Macau
		M. Libânio Martins, Directeur, Direction des services de statistiques et recensement
		M. Ho Ven On, Assesseur du Secrétaire adjoint à l'Administration, éducation et jeunesse

		M. Tou Wai Fong, Professeur à la Faculté de droit de l'Université de Macau
		M. Amílcar Feio, Juriste à l'Institut de l'Habitation
LEBANON	Representative	Mr. Nabil Maamari, Conseiller au Centre de recherches et de documentation au Ministère des affaires etrangères
SLOVAKIA	Representative	Ms. Maria Krasnohorska, Ambassador, Permanent Representative of the Slovak Republic to the United Nations Office at Geneva
	Adviser	Ms. Marta Aibekova, Member of the National Council
		Mr. Igor Grexa, Director General, Division of International Law and Consular Agenda, Ministry of Foreign Affairs
		Mr. Milan Jezovica, Director, Department of Human Rights, Ministry of Foreign Affairs
		Ms. Anna Lamperova, Director, Department of Foreign Relations, Ministry of Justice
		Mr. Peter Prochacka, First Secretary, Permanent Mission of the Slovak Republic to the United Nations Office at Geneva
		Ms. Barbara Tuhovcakova, Deputy Director, Department of Human Rights, Ministry of Foreign Affairs
FRANCE	Representative	Mr. Marc Perrin de Brichambaut, Directeur des Affaires juridiques, Ministère des Affaires etrangères
	Advisers	Mr. Daniel Bernard, Ambassadeur, Représentant permanent de la France auprès de l'Office des Nations Unies à Genève
		Mr. Jean-Paul Faugère, Directeur des Libertés publiques et des Affaires juridiques, Ministère de l'Intérieur

Mr. Jean-Baptiste Avel, Adjoint au Chef du Service des Affaires européennes et internationales, Ministère de la Justice

Mr. Yves Charpentier, Sous-Directeur des Droits de l'homme à la Direction des Affaires juridiques, Ministère des Affaires etrangères

Mme. Catherine Giudicelli, Chef du Bureau de la Réglementation à la Direction de l'Administration pénitentiaîre, Ministère de la Justice

Mme. Frédérique Doublet, Chef du Bureau du Droit comparé et du Droit international à la Direction des Libertés publiques et des Affaires juridiques, Ministère de l'Intérieur

Mme. Annie de Calan, Division des Relations internationales/Nations Unies, Ministère de l'Emploi et de la Solidarité

Mr. Christian Lefeuvre, Direction de la population et des Migrations, Ministère de l'Emploi et de la Solidarité

Mr. Eric Severe-Jolivet, Service des Affaires européennes et internationales, Ministère de la Justice

Mr. Pierre-André Lageze, Direction des Affaires criminelles et des Grâces, Ministère de la Justice

Mr. Frédéric de Belay, Direction de l'Administration générale, Secrétariat Général pour l'Administration, Ministère de la Défense

Mme. Béatrice Morize-Rabaux, Bureau des Affairs juridiques, Direction des Affaires poliques, administratives et financières, Secrétariat d'Etat à l'outre mer

Mr. Bruno Nedelec, Sous-Direction des droits de l'homme à la Direction des Affaires juridiques, Ministère des Affaires etrangères

		Mme, Marion Paradas-Bouveau, Mission permanente de la France auprès de l'Office des Nations Unies à Genève
INDIA	Representative	Mr. Ashok Desai, Attorney General of India
	Advisers	Mr. Hemant Krishan Singh, Acting Permanent Representative of India
		Mr. Madhukar Gupta, Joint Secretary, Ministry of Home Affairs
		Mr. Rajamony Venu, Permanent Mission of India
		Dr. Neru Chanddha, Senior legal officer, Ministry of Foreign Affairs
		Mr. Amnadap Gill, Under-Secretary, Ministry of Foreign Affairs

ANNEX VIII

List of documents issued during the reporting period

Reports of States parties

CCPR/C/31/Add.4	Initial report of Gabon
CCPR/C/42/Add.14	Second periodic report of Lebanon
CCPR/C/63/Add.4	Second periodic report of Bolivia
CCPR/C/63/Add.5	Second periodic report of Congo
CCPR/C/70/Add.9	Third periodic report of Portugal relating to Macau
CCPR/C/76/Add.7	Third periodic report of France
CCPR/C/81/Add.9	Initial report of Slovakia
CCPR/C/83/Add.1	Third periodic report of Peru
CCPR/C/100/Add.1	Initial report of Georgia
CCPR/C/103/Add.3	Fourth periodic report of Colombia
CCPR/C/117	Special report of the United Kingdom of Great Britain and Northern Ireland relating to Hong Kong

Concluding observations of the Human Rights Committee on the States parties' reports

CCPR/C/79/Add.68	Concluding observations of the Human rights Committee on States parties' reports - Denmark
CCPR/C/79/Add.69	Concluding observations of the Human Rights Committee on States parties' reports - United Kingdom of Great Britain and Northern Ireland (Hong Kong)
CCPR/C/79/Add.70	Concluding observations of the Human Rights Committee on States parties' reports - Switzerland
CCPR/C/79/Add.71	Concluding observations of the Human Rights Committee on States parties' reports - Gabon
CCPR/C/79/Add.72	Concluding observations of the Human Rights Committee on States parties' reports - Peru
CCPR/C/79/Add.73	Concluding observations of the Human Rights Committee on States parties' reports - Germany
CCPR/C/79/Add.74	Concluding observations of the Human Rights Committee on States parties' reports - Bolivia
CCPR/C/79/Add.75	Concluding observations of the Human Rights Committee on States parties' reports - Georgia

CCPR/C/79/Add.76	Concluding observations of the Human Rights Committee on States parties' reports - Colombia
CCPR/C/79/Add.77	Concluding observations of the Human Rights Committee on States parties' reports - Portugal (Macau)
CCPR/C/79/Add.78	Concluding observations of the Human Rights Committee on States parties' reports - Lebanon
CCPR/C/79/Add.79	Concluding observations of the Human Rights Committee on States parties' reports - Slovakia
CCPR/C/79/Add.80	Concluding observations of the Human Rights Committee on States parties' reports - France
CCPR/C/79/Add.81	Concluding observations of the Human Rights Committee on States parties' reports - India

Provisional agendas and annotations

CCPR/C/118	Provisional agenda and annotations (fifty-eighth session)
CCPR/C/119	Provisional agenda and annotations (fifty-ninth session)
CCPR/C/124	Provisional agenda and annotations (sixtieth session)

Notes concerning the consideration of reports submitted by States parties

CCPR/C/120	Consideration of initial reports submitted by States parties under article 40 of the Covenant due in 1997: note by the Secretary-General
CCPR/C/121	Consideration of second periodic reports submitted by States parties under article 40 of the Covenant due in 1997: note by the Secretary-General
CCPR/C/122	Consideration of third periodic reports submitted by States parties under article 40 of the Covenant due in 1997: note by the Secretary-General
CCPR/C/123	Consideration of fourth periodic reports submitted by States parties under article 40 of the Covenant due in 1997: note by the Secretary-General

Summary records of Committee discussions

CCPR/C/SR.1531-1559	Summary records of the fifty-eighth session
CCPR/C/SR.1560-1586	Summary records of the fifty-ninth session
CCPR/C/SR.1587-1615	Summary records of the sixtieth session